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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों और (संघ राज्यक्षेत्र प्रशासनों को छोड़ कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities (other than the
Administrations of Union Territories)

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 4 जुलाई, 1980

का० आ० 2021.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए केरल विधान सभा के लिए साधारण निर्वाचन के लिए 92-पुथुप्पाली निर्वाचन क्षेत्र में चुनाव लड़ने वाले उम्मीदवार श्री जोसफ एन्टोनी, कोलमपारमपिल, पो० पादुआ, अयारकुन्नाम (केरल), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तबधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा वाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रयत्न स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री जोसफ एन्टोनी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष तक की कालावधि के लिए निरहित घोषित करता है ।

[सं० केरल बि० सं०/92/80/(3)]

ELECTION COMMISSION OF INDIA
ORDERS

New Delhi, the 4th July, 1980

S. O. 2021.—Whereas the Election Commission is satisfied that Shri Joseph Antony, Kollamparampil, Padua P.O., Ayarkunnam, (Kerala), a contesting candidate for general election to the Kerala Legislative Assembly held in January, 1980 from 92-Puthuppally Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Joseph Antony to be disqualified

for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a state for a period of three years from the date of this order.

[No. KL-LA/92/80(3)]

नई दिल्ली, 5 जुलाई, 1980

का० आ० 2022.—यतः निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए केरल विधान सभा के लिए साधारण निर्वाचन के लिए 11-एदाकाद निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री के० दमोदरन, इरीनर, यू० पी० स्कूल इरीनर के समीप, पो० इरीनर (केरल), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रस्तुत नहीं किया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग द्वारा एतद्वारा उक्त श्री के० दमोदरन को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रादेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० केरल वि० सं०/11/80/(7)]

New Delhi, the 5th July, 1980

S. O. 2022.—Whereas the Election Commission is satisfied that Shri K. Damodaran, Irinar, near Irinar U.P. School, post Irinar (Kerala), a Contesting candidate for general election to the Kerala Legislative Assembly held in January, 1980 from 11-Edakkad Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K. Damodaran to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-LA/11/80/(7)]

नई दिल्ली, 7 जुलाई, 1980

का० आ० 2023.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए केरल विधान सभा के लिए साधारण निर्वाचन के लिए 9-अजीकोड़े निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बी० कुन्हामु, पो० मट्टूल नार्थ जिला कन्नानोर (केरल), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रस्तुत नहीं किया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बी० कुन्हामु को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रादेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० केरल वि० सं०/9/80/(8)]

New Delhi, the 7th July, 1980

S. O. 2023.—Whereas the Election Commission is satisfied that Shri B. Kunhamu, post Mattool North, Cannanore, Cannanore District (Kerala), a contesting candidate for general election to the Kerala Legislative Assembly held in January, 1980 from 9-Azhikode Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951 and the rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri B. Kunhamu to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-LA/9/80/(8)]

का० आ० 2024.—यतः निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए केरल विधान सभा के लिए साधारण निर्वाचन के लिए 120-कुम्माथूर (अ० जा०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सासथमकोटय्या रामचन्द्रन, पेम्माकाट्टू, पेम्माथिल पम्पापेरी, पोम्बाम्भी (केरल), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रस्तुत नहीं किया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री सासथमकोटय्या रामचन्द्रन को संसद् के किसी भी सदन के या किसी भी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रादेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० केरल वि० सं०/120/80/(9)]

S.O. 2024.—Whereas the Election Commission is satisfied that Shri Sasthamcottah Ramachandran, Thazhekattu Thekkethil Panapetti, Poruvazhy (Kerala), a contesting candidate for general election to the Kerala Legislative Assembly held in January, 1980 from 120-Kunnathur (SC) Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sasthamcottah Ramachandran to be disqualified for being chosen, as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-LA/120/80(9)]

क्र० आ० 2025.—यतः, निर्वाचन आयोग का यह समाधान हो गया है कि जनवरी, 1980 में हुए केरल विधान सभा के लिए साधारण निर्वाचन के लिए 120-कुन्नाथूर (अ० जा०) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार, श्री० के० एस० चेल्लाप्यन, नारंगविला, बीडू, पो० कारीकल, पुनालूर (केरल), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं,

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापोजित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री० के० एस० चेल्लाप्यन को संसद् के किसी भी सदन के या किसी भी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० केरल वि० सं० 120/80/(17)]

S. O. 2025.—Whereas the Election Commission is satisfied that Shri K.S. Chellappan, Narangavila Veedu, Narickal P.O., Punalur (Kerala), a contesting candidate for general election to the Kerala Legislative Assembly held in January, 1980 from 120-Kunnathur (SC) Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K.S. Chellappan to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-LA/120/80(17)]

नई दिल्ली, 8 जुलाई, 1980

क्र० आ० 2026.—यतः, निर्वाचन आयोग का यह समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण चुनाव निर्वाचन के लिए 20-त्रिवेन्द्रम निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बी० हारिन्द्रन नय्यर, एडवोकेट थालीयाल, पो० कर्माना, त्रिवेन्द्रम (केरल), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं,

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्यापोजित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बी० हारिन्द्रन को संसद् के किसी भी सदन के या किसी भी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० केरल वि० सं० 20/80(6)]

New Delhi, the 8th July, 1980

S.O. 2026.—Whereas the Election Commission is satisfied that Shri V. Hareendran Nair, Advocate Thaliyal, Karamana P.O., Trivandrum (Kerala), a contesting candidate for general election to the House of the People held in January 1980 from 20-Trivandrum Constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri V. Hareendran Nair to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-HP/20/80(6)]

क्र० आ० 2027.—यतः, निर्वाचन आयोग का यह समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 20-त्रिवेन्द्रम निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार, श्री वार्ड० अलफोंसे,

एडवोकेट, टी० सी० 39/180, श्रीवरशाम, त्रिवेन्द्रम (केरल), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री वार्ड० असफोसे को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० केरल-सी० सं० /20/80 (7)]

S O. 2027.—Whereas the Election Commission is satisfied that Shri Y. Alphonse, Advocate, T.C. 39/180, Sreevarasham, Trivandrum (Kerala), a contesting candidate for general election to the House of the People held in January, 1980 from 20-Trivandrum Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Y. Alphonse to be disqualified for being chosen, as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-HP/20/80(7)]

नई दिल्ली, 11 जुलाई, 1980

का० आ० 2028.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए केरल विधान सभा के लिए साधारण निर्वाचन के लिए 11-एकाक निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री के० वी० कोरन, रहिम निवास, चक्काराकल, पी० मोचचैरी, (केरल), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक् सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई पर्याप्त कारण अथवा स्पष्टीकरण नहीं दिया है; और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री के० वी० कोरन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने

और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० केरल-वि० सं० /11/80(10)]

आदेश से,
धर्मवीर, धर्म सचिव

New Delhi, the 11th July, 1980

S.O. 2028.—Whereas the Election Commission is satisfied that Shri K.V. Koran, Reshmi Nivas, Chakkarakkal, P.O. Mowancherry (Kerala), a contesting candidate for general election to the Kerala Legislative Assembly held in January, 1980 from 11-Edakkad Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice, has not given any reason or explanation for the failure, and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri K.V. Koran to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. KL-LA/11/80(10)]

By Order,
DHARAM VIR, Under Secy.

आदेश

नई दिल्ली, 24 जुलाई, 1980

का० आ० 2029.—यतः, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 5-सीकर निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री ब्रजुल गनी, पुत्र श्री भाला-दीन द्वारा भगत आर्टो सर्विन हरदयाल टाकिज के पास, सीकर (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, सम्यक् सूचना दिये जाने पर भी, इस प्रसक्तता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में, निर्वाचन आयोग एतद्वारा उक्त श्री ब्रजुल गनी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित करता है।

[सं० राज०/लो० सं० 5/80(1)]

ORDERS

New Delhi, the 24th July, 1980

S.O. 2029.—Whereas the Election Commission is satisfied that Shri Abdul Gani, S/o Shri Alladeen, C/o Bhagat Auto Service, Near Hardayal Talkies, Sikar (Rajasthan), a contesting candidate for general election to the House of the People held in January, 1980 from 5-Sikar Constituency, has failed to lodge any account of his election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure, and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Abdul Gani to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ/HP/5/80(1)]

का० आ० 2030 —यत, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 7-बौसा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री केशर सिंह, गांव सुराना पोस्ट—खोरा लदखानी, रास्ता मनोहर पुरा (राजस्थान), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यत, उक्त उम्मीदवार ने, उसे समय सूचना दिए जाने पर भी, इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास हम असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में, निर्वाचन आयोग एतद्वारा उक्त श्री केशर सिंह को समूह के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[न० राज०/लो० स० 7/80(2)]

आदेश में,

ओ० ना० नागर, प्रवर सचिव

S.O. 2030.—Whereas the Election Commission is satisfied that Shri Keshar Singh, Vill.-Surana, P.O. Khera Ladkhani, Via Manohar Pura, Rajasthan, a contesting candidate for general election to the House of the People held in January, 1980 from 7-Dausa Constituency, has failed to lodge any account of his

election expenses as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure, and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Keshar Singh to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ/HP/7/80(2)]

By Order,

O.N. NAGAR, Under Secy.

आदेश

नई दिल्ली, 24 जुलाई, 1980

का० आ० 2031 —यत, निर्वाचन आयोग का समाधान हो गया है कि जनवरी, 1980 में हुए लोक सभा के लिए साधारण निर्वाचन के लिए 12-फरीदकोट (पंजाब) निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अजयब सिंह, गांव पो० किलानवली, तहसील, मुक्तसर, जिला फरीदकोट (पंजाब), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यत, उक्त उम्मीदवार ने, उसे समय सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है,

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में, निर्वाचन आयोग एतद्वारा उक्त श्री अजयब सिंह को समूह के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस प्रदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० पंजाब-लो० स० 12/80]

आदेश में,

ओ० कु० जटर्जी, प्रवर सचिव

ORDER

New Delhi, the 24th July, 1980

S.O. 2031.—Whereas the Election Commission is satisfied that Shri Ajaib Singh, Village & Post Office Killan Wali, Tehsil Muktsar, District Faridkot (Punjab), a contesting candidate for general election to the House of the People held in January, 1980 from 12-Faridkot Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure, and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ajaib Singh to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PB-HP/12/80]

By Order,

A. K. CHATTERJEE, Under Secy.

विधि, न्याय और कम्पनी कार्य मंत्रालय

(विधि कार्य विभाग)

सूचना

नई दिल्ली, 28 जुलाई, 1980

का० आ० 2032.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में, सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री आर० के० वर्मा, एडवोकेट, 3 गन्दा नाला, समीप हसन बिल्डिंग, कश्मीरी गेट, दिल्ली-6 ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन हस्तान्तरित के लिए दिया है कि उसे तीस हजारी कोर्ट में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपक्ष इस सूचना के प्रकाशन के चौबह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं० एक 5(27)/80-न्या०]

एम० गुप्ता, सक्षम प्राधिकारी

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Department of Legal Affairs)

NOTICE

New Delhi, the 28th July, 1980

S.O. 2032.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956 that application has been made to the said Authority, under rule 4 of the said Rules, by Shri R.K. Verma, Advocate, 3, Ganda Nala, Near Hasan Building, Kashmiri Gate, Delhi-6 for appointment as a Notary to practise in Tis Hazari Court Complex.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F.5(27)/80-Judl.]

S. GOOPTU, Competent Authority

(कम्पनी कार्य विभाग)

नई दिल्ली, 7 अगस्त, 1980

(कम्पनी विधि बोर्ड)

का० आ० 2033.—कम्पनी विधि बोर्ड, भारत सरकार के भूतपूर्व कम्पनी कार्य विभाग की अधिसूचना सं० मा० का० नि० 443 (अ), तारीख 18 अक्टूबर, 1972 के साथ पठित कम्पनी अधिनियम, 1956 (1956 का 1) की धारा 108 की उपधारा (1ग) के खण्ड (ख) के उपखण्ड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कम्पनी अधिनियम, 1956 (1956 का 1) के अधीन गठित और मर्यादाप्राप्त हाउसिंग डेवलपमेंट फाइनेंस कॉर्पोरेशन लिमिटेड को, जिसे इसमें इसके पश्चात् कम्पनी कहा गया है, उक्त उपधारा के प्रयोजनों के लिए वित्तीय संस्था के रूप में इस शर्त के अधीन अनुमोदित करता है कि यह अनुमोदन उक्त कम्पनी द्वारा आवेदन उधारों के प्रति संवधि के लिए कम्पनी की प्रतिभूति के रूप में गिरवी रखे गए शेयरों तक ही सीमित होगा।

[फाइल सं० 33/1/80-सी० एल०-V]

के० एन० रामचन्द्रन, सचिव, कम्पनी विधि बोर्ड

(Department of Company Affairs)

New Delhi, the 7th August, 1980

(COMPANY LAW BOARD)

S.O. 2033.—In exercise of the powers conferred by sub-clause (iii) of clause (B) of sub-section (1C) of section 108 of the Companies Act, 1956 (1 of 1956), read with the notification of the Government of India in the late Department of Company Affairs No. GSR. 443(E), dated the 18th October, 1972, the Company Law Board hereby approves the Housing Development Finance Corporation Limited, formed and registered under the Companies Act, 1956 (1 of 1956), herein after referred to as the company, as a financial institution for the purposes of the said sub-section, subject to the condition that this approval would be limited to shares pledged with the company as security for repayment of housing loans granted by the said company.

[File No. 33/1/80-C.L.-V]

K.N. RAMCHANDRAN, Secy.,
Company Law Board

गृह मंत्रालय

(कानूनी और प्रशासनिक सुधार विभाग)

नई दिल्ली, 1 अगस्त, 1980

का० आ० 2034.—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तु और अनुच्छेद 148 के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारतीय संपरीक्षा और लेखा विभाग में सेवा कर रहे व्यक्तियों के संबंध में नियंत्रक महालेखापरीक्षक से परामर्श करने के पश्चात्, केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम केन्द्रीय सिविल सेवा (पेंशन) (सीसरा संशोधन) नियम, 1980 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 के (जिन्हें इसमें इसमें पश्चात् उक्त नियम कहा गया है) नियम 10 में,—

(i) उपनियम (1) में, “केन्द्रीय सेवा वर्ग 1” शब्दों और श्रृंखला के स्थान पर “केन्द्रीय सेवा समूह ‘क’” शब्द और अक्षर रखे जाएंगे;

(ii) उपनियम (8) में,—

(क) खण्ड (ब) के उपखण्ड (ii) में, सब (ख) के पश्चात् निम्न लिखित मद अन्तःस्थापित की जाएगी, अर्थात् —

“(ग) सरकार के कार्यालयों और अधिकारियों में संबंध या संपर्क स्थापित करने का कार्य करना होता है।”;

(ख) उपखण्ड (iii) का लोप किया जाएगा;

(ग) खण्ड (ख) में “वर्ग 1 पद” शब्दों और श्रृंखला के स्थान पर “समूह ‘क’ पद” शब्द और अक्षर रखे जाएंगे।

3. उक्त नियमों के नियम 11 में,—

(i) उपनियम (1) में “केन्द्रीय सेवा वर्ग 1” शब्दों और श्रृंखला के स्थान पर “केन्द्रीय सेवा समूह ‘क’” शब्द और अक्षर रखे जाएंगे,

(ii) स्पष्टीकरण के खण्ड (ii) में, “नियम 10 के उप नियम (2)” शब्दों, कोष्ठकों और श्रृंखला के स्थान पर “नियम 10 के उप-नियम (8)” शब्द कोष्ठक और श्रृंखला रखे जाएंगे।

4. उक्त नियमों के नियम 12 में, “केन्द्रीय सेवा वर्ग 1” शब्दों और श्रृंखला के स्थान पर, “केन्द्रीय सेवा समूह ‘क’” शब्द और अक्षर रखे जाएंगे।

5. उक्त नियमों के नियम 13 में, द्वितीय परन्तुक के खण्ड (क) में, “वर्ग 4 सेवा या पद” शब्दों और श्रृंखला के स्थान पर “समूह ‘ब’ सेवा या पद” शब्द और अक्षर रखे जाएंगे।

6. उक्त नियमों के नियम 29 में “वर्ग 4 सेवा या पद” शब्दों और श्रृंखला, दोनों स्थानों पर जहाँ वे आए हैं, के स्थान पर “समूह ‘ब’ सेवा या पद” शब्द और अक्षर रखे जाएंगे।

7. उक्त नियमों के नियम 33 में,—

(क) टिप्पण 4 के स्थान पर, निम्नलिखित टिप्पण रखा जाएगा, अर्थात् —
“टिप्पण 4—यदि कोई सरकारी सेवक अपनी सेवा निवृत्ति से या मृत्यु से ठीक पूर्व, सेवा में रहते हुए उपाजित छुट्टी पर था, और उसने ऐसी बेतन बृद्धि उपाजित की जो रोकी नहीं गई थी तो, चाहे वह वास्तव में न भी ली गई हो, उसकी उपलब्धियों का भाग होगी।

परन्तु यह कि बेतन बृद्धि एक सौ बीस दिन से अनधिक की उपाजित छुट्टी के चारू रहने के दौरान, या एक सौ बीस दिन से अधिक की उपाजित छुट्टी की वशा में प्रथम एक सौ बीस दिन की छुट्टी के दौरान उपाजित की गई थी।”;

(ख) टिप्पण 5 और टिप्पण 9 का लोप किया जाएगा।

8. उक्त नियमों के नियम, 34 में, टिप्पण 3 के स्थान पर निम्न-लिखित टिप्पण रखा जाएगा, अर्थात् —

“टिप्पण 3—ऐसे सरकारी सेवक की वशा में जो अपनी सेवा के अन्तिम बस मास के दौरान उपाजित छुट्टी पर था और जिसने ऐसी बेतन बृद्धि उपाजित की जो रोकी नहीं गई थी चाहे वह वास्तव में न ली गई हो, प्रथम उपलब्धियों में सम्मिलित की जाएगी।

परन्तु यह कि बेतन बृद्धि एक सौ बीस दिन से अनधिक की उपाजित छुट्टी के चारू रहने के दौरान, या एक सौ बीस दिन से अधिक की उपाजित छुट्टी की वशा में प्रथम एक सौ बीस दिन की छुट्टी के दौरान उपाजित की गई थी।”

9. उक्त नियमों के नियम 38 के उप नियम (5) का लोप किया जाएगा।

10. उक्त नियमों के नियम 40 के उपनियम (क) में परन्तुक का लोप किया जाएगा।

11. उक्त नियमों के अध्याय 6 का लोप किया जाएगा।

12. उक्त नियमों के अध्याय 7 के शीर्ष में “1938 पश्चात् प्रवेशकों की” शब्दों और श्रृंखला का लोप किया जाएगा।

13. उक्त नियमों के नियम 47 का लोप किया जाएगा।

14. उक्त नियमों के नियम 54 के उपनियम (4) के स्थान पर निम्नलिखित उपनियम रखा जाएगा, अर्थात्,—

“(4) जहाँ केन्द्रीय सिविल सेवा (प्रसाधारण पेंशन) नियमों के अधीन पंचाट अनुशेय है, वहाँ इस नियम के अधीन कोई कटुस्व पेंशन प्राधिकृत नहीं की जाएगी।”

15. उक्त नियमों के नियम 81 के उप-नियम (2) के खण्ड (ब) के उपखण्ड (ii) में, “सरक्षक से” शब्दों के स्थान पर “उपखण्ड (i) के अधीन” शब्द रखे जाएंगे।

16. उक्त नियमों के नियम 84 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्—

“84 पेंशन किस करारी में सदेय है—इस नियम के अधीन अनुशेय सभी पेंशने जिसके अन्तर्गत उपदान भी है, केवल भारत में रुपये में सदेय होगी।”

17. उक्त नियमों के नियम 87 में, “वित्त मंत्रालय” शब्दों के स्थान पर “कार्मिक और प्रशासनिक सुधार विभाग” शब्द रखे जाएंगे।

18. उक्त नियमों के नियम 88 के परन्तुक में, “वित्त मंत्रालय” शब्दों के स्थान पर “कार्मिक और प्रशासनिक सुधार विभाग” शब्द रखे जाएंगे।

19. उक्त नियमों के प्ररूप 23 के स्थान पर निम्नलिखित प्ररूप रखा जाएगा, अर्थात्:—

“प्ररूप 23

[नियम 38(3) देखिए]

चिकित्सीय प्रमाणपत्र का प्रारूप

प्रमाणित किया जाता है कि मैंने/हमने गद्य के सुपुत्र क ख का जो _____ है, ध्यान-पूर्वक परीक्षण कर लिया है। उसके कथनानुसार उसकी आयु _____ वर्ष है, और देखने में लगभग _____ वर्ष लगती है।

मैं/हम क ख को _____ (यहाँ रोग या कारण लिखें) के परिणामस्वरूप उस विभाग में, जिसका वह है, किसी प्रकार की भागे सेवा के लिए पूर्णतः और स्थायी रूप से, अशक्त समझते हैं।

(यदि अशक्तता पूर्ण और स्थायी प्रतीत नहीं होती है, तो प्रमाणपत्र को तबनुसार परिवर्तित किया जाए और निम्नलिखित जोड़ा जाना चाहिए।)

‘मैं/हमारी यह राय है कि क ख, जो कार्य वह कर रहा था, उसने कम श्रम वाली प्रकृति के कार्य के लिए भागे सेवा के लिए स्वस्थ है/ _____ मास के विश्राम के पश्चात् जो वह कार्य कर रहा था। उससे कम श्रम वाली प्रकृति के कार्य के लिए भागे सेवा के लिए स्वस्थ हो सकता है।’

‘जो लागू न हो उसे काट दें।’

[सं० 6(2) पैर० (ए)/79]]

घो० पी० भाकड़ी, उप सचिव

MINISTRY OF HOME AFFAIRS

(Department of Personnel and Administrative Reforms)

New Delhi, the 1st August, 1980

S.O. 2034.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely :—

- (1) These rules may be called the Central Civil Services (Pension) Rules (Third Amendment) Rules, 1980.
 - (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Central Civil Services (Pension) Rules, 1972 (hereinafter referred to as the said rules), in rule 10—
- (i) in sub-rule (1) for the words and figure “Central Service Class I”, the words and letter “Central Service Group ‘A’” shall be substituted;
 - (ii) in sub-rule (8)—
 - (a) in sub-clause (ii) of clause (a), after item (B) the following item shall be inserted, namely :—

“(C) has to undertake work involving liaison or contact with the offices or officers of the Government”;
 - (b) sub-clause (iii) shall be omitted;
 - (c) in clause (b) for the words and figure “Class I Post” the words and letter “Group ‘A’ post” shall be substituted.
3. In rule 11 of the said rules—
- (i) in sub-rule (1) for the words and figure “Central Service Class I” the words and letter “Central Service Group ‘A’” shall be substituted;
 - (ii) in clause (ii) of the Explanation, for the words, brackets and figures “sub-rule (2) of rule 10” the words, brackets and figures “sub-rule (8) of rule 10” shall be substituted.
4. In rule 12 of the said rules, for the words and figure “Central Service Class I” the words and letter “Central Service Group ‘A’” shall be substituted.
5. In rule 13 of the said rules, in clause (a) of the second proviso, for the words and figure “Class IV service or post” the words and letter “Group ‘D’ service or post” shall be substituted.
6. In rule 29 of the said rules, for the words and figure “Class IV service or post” in the two places where they occur, the words and letter “Group ‘D’ service or Post” shall be substituted.

7. In rule 33 of the said rules—

- (a) for Note 4, the following note shall be substituted namely—

“Note 4.—If a Government servant immediately before his retirement or death while in service, was on earned leave, and earned an increment which was not withheld, such increment, though not actually drawn, shall form part of his emoluments :

Provided that the increment was earned during the currency of the earned leave not exceeding one hundred and twenty days, or during the first one hundred and twenty days of earned leave where such leave was for more than one hundred and twenty days;

- (b) Note 5 and Note 9 shall be omitted.

8. In rule 34 of the said rules, for Note 3, the following Note shall be substituted, namely :—

“Note 3.—In the case of a Government servant who was on earned leave during the last ten months of his service and earned an increment, which was not withheld, such increment though not actually drawn shall be included in the average emoluments :

Provided that the increment was earned during the currency of the earned leave not exceeding one hundred and twenty days or during the first one hundred and twenty days of earned leave where such leave was for more than one hundred and twenty days.”

9. In rule 38 of the said rules, sub-rule (5) shall be omitted.

10. In rule 40 of the said rules, in sub-rule (a), the proviso shall be omitted.

11. Chapter VI of the said rules shall be omitted.

12. In the said rules, in the heading of Chapter VII, the words and figures “of Post-1938 entrants” shall be omitted.

13. Rule 47 of the said rules shall be omitted.

14. In rule 54 of the said rules, for sub-rule (4), the following sub-rule shall be substituted, namely :—

“(4) Where an award under the Central Civil Services (Extra-ordinary Pension) Rules, is admissible, no family pension under this rule shall be authorised.”

15. In rule 81 of the said rules, in sub-clause (ii) of clause (d) of sub-rule (2), for the words “from the guardian” the words “under sub-clause (i)” shall be substituted.

16. In the said rules, for rule 84, the following rule shall be substituted, namely :—

“84.—Currency in which pension is payable—

All pensions including gratuities admissible under these rules shall be payable in rupees in India only.”

17. In rule 87 of the said rules, for the words "Ministry of Finance" the words "Department of Personnel and Administrative Reforms" shall be substituted.

18. In the proviso to rule 88 of the said rules for, the words "Ministry of Finance" the words "Department of Personnel and Administrative Reforms" shall be substituted.

19. In the said rules, for Form 23, the following Form shall be substituted, namely :—

"Form 23

[See rule 38(3)]

FORM OF MEDICAL CERTIFICATE

"Certified that *I/(We) have carefully examined AB son of CD a.....in the..... His age by his own statement is..... years, and by appearance about..... years. I/(We) consider AB to be completely and permanently incapacitated for further service of any kind in the Department to which he belongs in consequence of..... (here state disease or cause).

(If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made.)

I am/we are of opinion that AB is fit for further service of a less laborious character than that which he had been doing/may, after resting for..... months, be fit for further service of less laborious character than that which he had been doing."

*Strike out whichever is not applicable.

[No.6(2)-Pen(A)/79]

O. P. BHAKRI, Dy. Secy.

नई दिल्ली, 5 अगस्त, 1980

का० आ० 2035.—वर्ण प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एवम् भारत के किसी राज्य अथवा संघ राज्य क्षेत्र, जहाँ उपर्युक्त धारा के उपबन्ध लागू होते हैं, में विधि द्वारा स्थापित विचारण न्यायालयों में दिल्ली विशेष पुलिस स्थापना द्वारा वायर मामलों तथा पुनरीक्षण अथवा अपील न्यायालयों में अपीलों, पुनरीक्षणों अथवा इन मामलों से उत्पन्न अन्य मामलों का भी संचालन करने के लिए केन्द्रीय अन्वेषण ब्यूरो के अपर विधि सलाहकार श्री शिव प्रकाश भारद्वाज को विशेष लोक अभियोजक नियुक्त करती है।

[संख्या 225/37/80-ए०वी०डी०(ii)]

टी० के० सुब्रमणियन, प्रवर सचिव

New Delhi, 5th August, 1980

S.O. 2035.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri Shiv Prakash Bhardwaj, Additional Legal Adviser in the Central Bureau of Investigation as Special Public Prosecutor for the conduct of cases instituted by Delhi Special Police Establishment in trial courts, and appeals,

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revisions or other matters arising out of these cases in revisional or appellate courts, established by law in any State or Union Territory of India to which the provisions of the aforesaid section apply.

[No. 225/37/80-AVD-II]

T. K. SUBRAMANIAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 26 मई, 1980

आय-कर

का० आ० 2036.—सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् भारतीय आयुर्विज्ञान अनुसंधान परिषद् नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 (ii) के साथ पठित, आय कर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के खण्ड (ii) के प्रयोजनों के लिए चिकित्सा अनुसंधान के क्षेत्र में "वैज्ञानिक अनुसंधान संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

(i) यह कि सोसाइटी चिकित्सा अनुसंधान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का हिसाब पृथक् रूप से रखेगी।

(ii) यह कि सोसाइटी, प्रत्येक वार्षिक वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी परिषद् को प्रति वर्ष 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगी जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।

(iii) यह कि सोसाइटी, प्रत्येक वर्ष के लिए लेखाओं का वार्षिक संपरीक्षित विवरण परिषद् को प्रति वर्ष 31 मई तक भेजेगी और इसके अतिरिक्त इसकी एक प्रति सम्बद्ध आय-कर आयुक्त को भेजेगी।

संस्था (वैज्ञानिक अनुसंधान संगम)

भारतीय जननक्षमता अनुसंधान कार्यक्रम, कलकत्ता

यह अधिसूचना 11-4-1980 से 10-4-1983 तक की 3 वर्ष की अवधि के लिए प्रभावी है।

[सं० 3408(फा० सं० 203/140/80/मार्ग टी ए-II)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 26th May, 1980

INCOME TAX

S.O. 2036.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(ii) of the Income-tax Rules, 1962 under the category of "scientific research association" in the field of Medical Research subject to the following conditions:—

(i) That the society will maintain a separate account of the sums received by it for scientific research in the field of medical research.

(ii) That the society will furnish annual returns of its scientific research activities to the Council for each year by 31st May, each year at the latest in such form as may be laid down and intimated to them for this purpose.

(iii) That the society will furnish an annual audited statement of accounts to the Council for each year by 31st May, each year and in addition send a copy of it to the concerned Income-tax Commissioner.

INSTITUTION "SCIENTIFIC RESEARCH ASSOCIATION"

INDIA FERTILITY RESEARCH PROGRAMME, CALCUTTA.

The notification is effective for a period of 3 years from 11-4-1980 to 10-4-1983.

[No. 3408 (F. No. 203/140/80-ITA. II)]

का० आ० 2037—सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् भारतीय आयुर्विज्ञान अनुसंधान परिषद्, नई दिल्ली ने निम्नलिखित संस्था को, आयकर नियम, 1962 के नियम 6(ii) के साथ पठित, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए चिकित्सा अनुसंधान के क्षेत्र में "वैज्ञानिक अनुसंधान संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

(i) यह कि न्यास, चिकित्सा अनुसंधान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का हिसाब पृथक् से होगा।

(ii) यह कि न्यास प्रत्येक वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी परिषद् को प्रति वर्ष 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगा, जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।

(iii) यह कि न्यास प्रत्येक वर्ष के लिए लेखापत्रों का वार्षिक संपरीक्षित विवरण परिषद् को प्रति वर्ष 31 मई तक भेजेगा और इसके प्रतिरिक्त प्रत्येक एक प्रति सम्पन्न आयकर आयुक्त को भेजेगा।

संस्था "वैज्ञानिक अनुसंधान संगम"

स्वामी योग प्रतिष्ठान पूर्ण न्यास, मिराज

यह अधिसूचना 23-4-1980 से 22-4-1983 तक 3 वर्ष की अवधि के लिए प्रभावी होगी।

[सं० 3409 (फा० सं० 203/149/80-आईटीए-II)]

S. O. 2037.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(ii) of the Income-tax Rules, 1962 under the category of "scientific research association" in the field of Medical Research subject to the following conditions:—

(i) That the trust will maintain a separate account of the sums received by it for scientific research in the field of medical research.

(ii) That the trust will furnish annual returns of its scientific research activities to the Council for each year by 31st May, each year at the latest in such form as may be laid down and intimated to them for this purpose.

(iii) That the trust will furnish an annual audited statement of accounts to the Council for each year by 31st May, each year and in addition send a copy of it to the concerned Income-tax Commissioner.

INSTITUTION "SCIENTIFIC RESEARCH ASSOCIATION"

The Swasthiyog Pratisthan Charitable Trust, Miraj.

The notification is effective for a period of 3 years from 23-4-1980 to 22-4-1983.

[No. 3409 (F. No. 203/149/80-ITA. II)]

का० आ० 2038—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् भारतीय कृषि अनुसंधान परिषद् ने निम्नलिखित संस्था को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनार्थ अनुमोदित किया है।

संस्था "(धीर कृषि मंगल सोसाइटी, बड़ौदा)"

यह अधिसूचना 1-4-1980 से 31-3-1983 तक की 3 वर्ष की अवधि के लिए प्रभावी है।

[सं० 3412 (फा० सं० 203/118/79-आईटीए-II)]

S. O. 2038.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Agricultural Research, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961.

INSTITUTION "DHIR KRISHI MANGAL SOCIETY, BARODA"

This notification is effective for a period of 3 years from 1-4-1980 to 31-3-1983.

[No. 3412 (F. No. 203/118/79-ITA. II)]

का० आ० 2039.—सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् भारतीय आयुर्विज्ञान अनुसंधान परिषद्, नई दिल्ली ने निम्नलिखित संस्था को, आयकर नियम, 1962 के नियम 6(ii) के साथ पठित, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए चिकित्सा अनुसंधान के क्षेत्र में "वैज्ञानिक अनुसंधान संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात् :—

(i) यह कि प्रतिष्ठान, चिकित्सा अनुसंधान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का हिसाब पृथक् रूप से रखेगा।

(ii) यह कि प्रतिष्ठान, प्रत्येक वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी परिषद् को प्रति वर्ष 31 मई तक ऐसे प्ररूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिषिक्त किया जाए और उसे सूचित किया जाए।

(iii) यह कि प्रतिष्ठान प्रत्येक वर्ष के लिए लेखाधियों का वार्षिक संपरीक्षित विवरण परिषद् को 31 मई तक भेजेगा और इसके अतिरिक्त इसकी एक प्रति सम्बद्ध आयकर प्रायुक्त को भेजेगा।

संस्था "वैज्ञानिक अनुसंधान संगम"

टी० टी० रंगनाथन क्लिनिकल रिसर्च फाउंडेशन (रजि०), मद्रास

यह अधिसूचना 23-4-1980 से 22-4-1983 तक की 3 वर्ष की अवधि के लिए प्रभावी है।

[सं० 3413 (फा० सं० 203/150/80-आईटीए-II)]

S. O. 2039.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(ii) of the Income-tax Rules, 1962 under the category of "Scientific research association" in the field of Medical Research subject to the following conditions:—

(i) That the Foundation will maintain a separate account of the sums received by it for scientific research in the field of medical research.

(ii) That the Foundation will furnish annual returns of its scientific research activities to the Council for each year by 31st May, each year at the latest in such form as may be laid down and intimated to them for this purpose.

(iii) That the Foundation will furnish an annual audited statement of accounts to the Council for each year by 31st May, each year and in addition send a copy of it to the concerned Income-tax Commissioner.

INSTITUTION "SCIENTIFIC RESEARCH ASSOCIATION"

T. T. RANGANATHAN CLINICAL RESEARCH FOUNDATION (REGD.), MADRAS.

The notification is effective for a period of 3 years from 23-4-1980 to 22-4-1983.

[No. 3413 (F. No. 203/150/80-ITA. II)]

का० आ० 2040.—सर्वसाधारण की जानकारी के लिए, यह अधिसूचना किया जाता है कि भारतीय चिकित्सा अनुसंधान परिषद्, नई दिल्ली में निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम को आयकर अधिनियम,

1961 की धारा 35 की उपधारा (2-क) के प्रयोजनों के लिए सीधे विनिर्दिष्ट अवधि के लिए अनुमोदित किया है:—

1. वैज्ञानिक अनुसंधान कार्यक्रम का "प्राथमिक स्वास्थ्य देखरेख प्राप्त करने के लिए विद्यमान स्वास्थ्य सेवाओं में आवश्यक निवेश का अध्ययन"।

नाम:—

2. प्रयोजन स्थल:—

बिड़ला चिकित्सा अनुसंधान संस्थान, ब्वालियर।

3. प्रायोजक:—

(1) जियाजी राव कांटन मिल्स लि०, ब्वालियर

(2) मै० ब्वालियर रेयन सिल्क मैनुफैक्चरिंग (बीविंग) फं० लि०, नागवा।

(3) मै० सेंट्रल इण्डियन मशीनरी मैनुफैक्चरिंग फं० लि०, बिरसा नगर (ब्वालियर) 9 अप्रैल, 1980 से पांच वर्ष।

4. परियोजनाओं की अवधि—

(1) प्रारम्भ करने की प्रस्तावित तारीख:—

(2) पूरा होने की प्रत्याशित तारीख:— 8 अप्रैल, 1985

र०

i. प्राक्कलित व्यय:—

(1) उपस्कर 37,06,500

(2) भाषाती और

कर्मचारिवृत्त

तथा अन्य

परिचालन व्यय 83,45,080

(3) भूमि

और

भवन:

1,30,00,000

कुल 2,50,51,580

(केवल दो करोड़, पचास लाख, इक्यावन हजार, पांच सौ अस्सी र०)।

उपरोक्त परियोजना की मंजूरी निम्नलिखित शर्तों के अधीन होगी:—

1. यह कि संस्था इस अनुसंधान परियोजना के लिए प्राप्त राशियों का और किए गए व्यय का बिड़ला चिकित्सा अनुसंधान संस्थान, ब्वालियर के व्यय से सुभिन्न, पृथक लेखा रखेगी।

2. यह कि संस्था प्रत्येक वित्तीय वर्ष के लिए इस वैज्ञानिक अनुसंधान परियोजना की वार्षिक विवरणी परिषद् को अधिक से अधिक 31 मई तक ऐसे प्ररूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिषिक्त किया जाए और उसे सूचित किया जाए।

3. यह कि संस्था प्रत्येक वर्ष के लिए वार्षिक संपरीक्षित लेखा-विवरण की एक प्रति परिषद् को 31 मई तक भेजेगी और इसके अतिरिक्त इसकी एक प्रति सम्बद्ध आयकर प्रायुक्त को भेजेगी।

बिड़ला चिकित्सा अनुसंधान संस्थान, ब्वालियर को आयकर अधिनियम, 1961 की धारा 35(1) (ii) के अधीन मंजूर किया गया है, वैशिए वित्त मन्त्रालय, राजस्व विभाग की अधिसूचना सं० 3039 (फा० सं० 203/122/79/आई० टी० ए० II), तारीख 25 अक्टूबर, 1979।

[सं० 3411 (फा० सं० 203/139/80-आई टी ए-II)]

S. O. 2040.—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purpose of sub-

section (2A) of Section 35 of the Income-tax Act, 1961, by the Indian Council of Medical Research, New Delhi:—

1. Name of the scientific research programme:— "A study of necessary inputs into the existing health services to achieve Primary Health Care".
2. Sponsored at:— Birla Institute of Medical Research, Gwalior.
3. Sponsored by:— (i) Jiyajee Rao Cotton Mills Ltd., Gwalior.
(ii) M/s. Gwalior Rayon Silk Mfg. (Wvg.) Co. Ltd., Nagda.
(iii) M/s. Central India Machinery Mfg. Co. Ltd., Birlanagar (Gwalior).
4. Duration of Projects— Five years from
(i) Proposed date of Commencement:— 9th April, 1980.
(ii) Anticipated date of completion:— 8th April, 1985.
5. Estimated expenditure:—

	Rs.
(1) Equipments	37,06,500
(2) Recurring and staff & other running expenditure	83,45,080
(3) Land & Building	1,30,00,000
Total	2,50,51,580

(Rs. Two Crores, fifty lakhs, fifty one thousand, five hundred and eighty only).

The approval for the above project will be subject to the following conditions:—

1. That the institution will maintain a separate account of the amounts received and expenditure incurred for this research project as distinct from the other expenditure of the Birla Institute of Medical Research, Gwalior.
2. That the institution will furnish annual returns of this scientific research project to the Council for each financial year by 31st May, at the latest in such form as may be laid down and intimated to them for this purpose.
3. That the institution will furnish a copy of the annual audited statement of account to the Council for each year by 31st May and, in addition, to send a copy of it to the concerned Income-tax Commissioner.

The Birla Institute of Medical Research, Gwalior has been approved under section 35 (1) (ii) of the Income-tax Act, 1961 vide Ministry of Finance, Department of Revenue, notification No. 3039 (F. No. 203/122/79-ITA. II) dated the 25th October, 1979.

[No. 3411 (F. No. 203/139/80—ITA. II)]

का० आ० 2041.--सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि भारतीय आयुर्विज्ञान अनुसंधान परिषद्, नई दिल्ली ने आयकर अधिनियम, 1961 की धारा 35 की उपधारा (2क) के प्रयोजनार्थ निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम नीचे विनिर्दिष्ट अवधि के लिए अनुमोदित कर दिया है।

- | | |
|--|--|
| 1. वैज्ञानिक अनुसंधान कार्यक्रम का नाम : | कैंसर के शीघ्र निदान और उपचार में अनुसंधान |
|--|--|

2. कहां प्रायोजित है : इंडियन कैंसर सोसाइटी, मुम्बई
3. किनसे प्रायोजित किया है : इंडियन कैंसर सोसाइटी और बाला (सूची संलग्न है)
4. परियोजना की अवधि : दस वर्ष

(क) प्रारंभ की प्रस्थापित तारीख : 16 अप्रैल, 1980

(ख) पूरा होने की प्रस्थापित तारीख : 15 अप्रैल, 1990

- | | |
|--|--|
| 5. 10 वर्ष की सम्पूर्ण अवधि के लिए परियोजना का प्राक्कलित व्यय | 1. कर्मचारि-वृन्द आवर्ती व्यय : 777.58 लाख रु० |
| | 2. भवन : 85.00 लाख रु० |
| | 3. उपस्कर : 518.17 लाख रु० |
| | <hr/> 1380.55 लाख रु० <hr/> |

(कैवल तेरह करोड़ अस्सी लाख और पचपन हजार रु०)

उपर्युक्त परियोजना के लिए अनुमोदन निम्नलिखित शर्तों के अधीन रहते हुए होगा :—

- (1) यह कि संगम, इंडियन कैंसर सोसाइटी, मुम्बई के अन्य व्यय से सुधिन रूप में इस अनुसंधान परियोजना के लिए प्राप्त राशियों और किए गए खर्च का हिसाब पृथक् रूप से होगा।
- (2) यह कि संगम प्रत्येक वित्तीय वर्ष के लिए इस वैज्ञानिक अनुसंधान परियोजना की वार्षिक विवरणी परिषद् को प्रति वर्ष 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किए जाएं और उसे सूचित किए जाएं।
- (3) यह कि संगम प्रत्येक वित्तीय वर्ष के लिए लेखाओं का वार्षिक संपरोक्षित विवरण परिषद् को प्रति वर्ष 31 मई तक भेजेगा और इसके अतिरिक्त इसकी एक प्रति आयकर आयुक्त को भेजेगा।

इंडियन कैंसर सोसाइटी, मुम्बई आयकर अधिनियम, 1961 की धारा 35(1)(ii) के अधीन अनुमोदित है। देखिए, वित्त मंत्रालय, राजस्व विभाग की अधिसूचना सं० 43(फा० सं० 10/40/64-आई० टी० ए० 1) तारीख 30 जून, 1964।

[सं० 3505 (फा० सं० 203/138/80-आई० टी० ए० II)]

दान वितरण

- (1) केन्द्रीय सरकार —
- (2) राज्य सरकार निःशुल्क भूमि आवंटित की
- (3) भा० आ० अ० प०/यै० अ० प०/भा० क० अ० प०/बी० ए० आर० सी०—
- (4) अर्ध सरकारी संगठन।

भारतीय स्टेट बैंक	16 लाख ०	(वर्ष 1979 में)
भारतीय स्टेट बैंक	32 लाख रु०	(वर्ष 1980 में)
भारतीय स्टेट बैंक	87 लाख रु०	(वर्ष 1980 में)

कुल 135 लाख रु०

(5) औद्योगिक दाताओं }
 और } (सभी दान वर्ष 1980 में प्राप्त हुए हैं)
 वार्षिक संस्थाएं }
 प्राइवेट थिएटर }

सर दोराब टाटा ट्रस्ट	20 लाख रु०
सर रतन टाटा ट्रस्ट	20 लाख रु०
दी इंडियन होटल्स कं० (ताज ग्रुप)	20 लाख रु०
रायल बेस्टर्न इंडिया टर्फ क्लब	20 लाख रु०
अन्य प्राइवेट और लोक सेक्टर कंपनियां	100 लाख रु०

हिन्दुस्तान स्पिनिंग एंड वीविंग कं० लिमिटेड	1 लाख रु०
बाम्बे डाइंग एंड मैनुफैक्चरिंग कं० लिमिटेड	1.5 लाख रु०
एस० एल० एम० मानेक लाल इन्डस्ट्रीज	1 लाख रु०
स्पेशल स्टील्स लिमिटेड	1 लाख रु०
हिन्दुस्तान ब्राउन बोवरी लिमि०	1 लाख रु०
साउथ इंडिया विसकोज	1 लाख रु०
किलोस्कर न्यूमैटिक कं० लिमि०	1 लाख रु०
जे० के० सिन्थेटिक्स लिमि०	1 लाख रु०
महिन्द्रा यूजीन स्टील कं० लिमि०	1 लाख रु०
महिन्द्रा एंड महिन्द्रा लिमि०	50,000 रु०
वी० एसोशिएटेड सीमेंट कं० लिमि०	50,000 रु०
आई० टी० सी० लिमि०	2 लाख रु०
टाटा इंजीनियरिंग एंड लोकोमोटिव लिमि०	1 लाख रु०
निरलोन् सिन्थेटिक्स लिमि०	50,000 रु०
इंडियन एस्पुमिनियम कम्पनी लिमिटेड	1 लाख रु०
इंडियन फायल कॉरपोरेशन लिमिटेड	5 लाख रु०
गोवरेज एंड फायसी प्राइवेट लिमिटेड	10 लाख रु०
रवीन्द्र हीरोज प्राइवेट लिमिटेड	5 लाख रु०

कुल : 4,00,00,000 रु०

हं/- डा० जे० नुसाबाला

कृते इंडियन कैंसर सोसाइटी

[सं० 3405 (फा० सं० 203/138/80-आई० टी० ए० II)]

S. O. 2041:—It is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purpose of sub-section (2A) of Section 35 of the Income-tax Act, 1961 by the Indian Council of Medical Research, New Delhi.

1. Name of the scientific research Programme. "Research in Early Diagnosis and treatment of cancer".
2. Sponsored at Indian Cancer Society, Bombay.
3. Sponsored by Indian Cancer Society and Donors (List attached).

4. Duration of the project: Ten years.

(i) Proposed date of commencement : 16th April, 1980.

(ii) Anticipated date of completion : 15th April, 1990.

5. Estimated expenditure of the project for its entire duration of 10 years.

1. Staff & recurring expenditure :	Rs. 777.38 lakhs
2. Building :	Rs. 85.00 lakhs
3. Equipment :	Rs. 518.17 lakhs
Total	Rs. 1380.55 lakhs

(Rs. thirteen crores eighty lakhs and fifty five thousand only).

The approval for the above project will be subject to the following conditions:—

1. That the Association will maintain a separate account of amounts received and expenditure incurred for this research project as distinct from the other expenditure of the Indian Cancer Society, Bombay.
2. That the Association will furnish annual returns of this scientific research project to the Council for each financial year by 31st May at the latest in such form as may be laid down and intimated to them for this purpose.
3. That the Association will furnish a copy of the annual audited statement of accounts to the Council for each year by 31st May and in addition to send a copy of it to the concerned Income-tax Commissioner.

The Indian Cancer, Society, Bombay has been approved under Section 35 (1) (ii) of the Income Tax Act, 1961 vide Ministry of Finance, Department of Revenue Notification No. 43 (F. No. 10/40/64-ITA-I) dated the 30th June, 1964.

STATEMENT OF DONATIONS

- (i) Central Government —
- (ii) State Government Allotted land free of cost.
- (iii) ICMR/CSIR/ICAR/BARC. —

परियोजना के लिए वर्ष 1981 से वार्षिक दान

हिन्दुस्तान स्पिनिंग एंड वीविंग कंपनी लिमि०	25,000 रु०
बाम्बे डाइंग एंड मैनुफैक्चरिंग कं० लिमि०	30,000 रु०
एस० एल० एम० मानेक लाल इन्डस्ट्रीज	25,000 रु०
स्पेशल स्टील लिमि०	25,000 रु०
साउथ इंडिया विसकोज	25,000 रु०
हिन्दुस्तान ब्राउन बोवरी लिमि०	25,000 रु०
किलोस्कर न्यूमैटिक कं० लिमि०	25,000 रु०
जे० के० सिन्थेटिक्स लिमि०	25,000 रु०
महिन्द्रा यूजीन स्टील कं० लिमि०	25,000 रु०
महिन्द्रा एंड महिन्द्रा लिमि०	10,000 रु०
एसोशिएटेड कं० लिमि०	10,000 रु०
आई० टी० सी० लिमि०	50,000 रु०
टाटा इंजीनियरिंग एंड लोकोमोटिव लिमि०	25,000 रु०
निरलोन् सिन्थेटिक्स लिमि०	10,000 रु०
इंडियन एस्पुमिनियम कं० लिमि०	25,000 रु०
इंडियन फायल कारपोरेशन लिमि०	1,00,000 रु०
गोवरेज एंड फायसी प्राइवेट लिमि०	2,00,000 रु०
रवीन्द्र हीरोज प्राइवेट लिमि०	1,00,000 रु०
ए० एल० वाडिया ट्रस्ट	5,00,000 रु०
दीवाली बेन मोहन लाल मेहता ट्रस्ट	5,00,000 रु०
सर दोराब टाटा ट्रस्ट	2,00,000 रु०
सर रतन टाटा ट्रस्ट	2,00,000 रु०
इंडियन होटल कं० लिमि० (ताज ग्रुप)	2,00,000 रु०
रायल बेस्टर्न इंडिया, टर्फ क्लब	2,00,000 रु०
अन्य प्राइवेट एंड पब्लिक सेक्टर कंपनियां	10,00,000 रु०

 35,60,600 रु०

ए० एल० वाडिया ट्रस्ट	30 लाख रुपए
दीवाली बेन मोहन लाल मेहता ट्रस्ट	20 लाख रु०

(iv) Semi-Government Organisations :	
State Bank of India	Rs. 16 lakhs (In the year 1979)
State Bank of India	Rs. 32 lakhs (in the year 1980)
State Bank of India	Rs. 87 lakhs (in the year 1980)
<hr/>	
Total	Rs. 135 lakhs.
(v) Industrial donors and Commercial houses/Private individuals	
{ (All donations in the year 1980)	
The Hindustan Spinning & Wvg. Co. Ltd.	Rs. 1 lakhs
The Bombay Dyeing and Mfg. Co. Ltd.	1.5 lakh
S.L.M. Manecklal Industries Special Steels Ltd.	1 "
Hindustan Brown Boveri Ltd.	1 "
South India Viscose.	1 "
Kirloskar Pneumatic Co. Ltd.	1 "
J. K. Synthetics Ltd.	1 "
Mahindra Ugine Steel Co. Ltd.	1 "
Mahindra & Mahindra Ltd.	50,000
The Associated Cement Co. Ltd.	50,000/-
I.T.C. Ltd.	2 lakhs
Tata Engineering & Locomotive Ltd.	1 lakh
Nirlon Synthetics Ltd.	50,000/-
Indian Aluminium Co. Ltd.	1 lakhs
Indian Oil Corpn Ltd.	5 lakhs
Godrej & Boyce Pvt. Ltd.	10 lakhs
Ravindra Hiraus Pvt. Ltd.	5 lakhs
A. H. Wadia Trust	30 lakhs
Diwaliben Mohanlal Mehta Trust.	20 "
Sir Dorab Tata Trust	20 "
Sir Ratan Tata Trust.	20 lakhs
The Indian Hotels Co. (Taj Group).	20 lakhs
Royal Western India Turf Club.	20 lakhs
Other Private & Public Sector Companies.	100 "
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Total	4,00,00,000/-

ANNUAL DONATIONS TOWARDS THE PROJECT FROM THE YEAR 1981 ONWARDS

The Hindustan Spinning & Wvg Co. Ltd.	Rs. 25,000
The Bombay Dyeing & Mfg. Co. Ltd.	30,000
S. L. M. Manecklal Industries Special Steel Ltd.	25,000
South India Viscose	25,000
Hindustan Brown Boveri Ltd.	25,000
Kirloskar Pneumatic Co. Ltd.	25,000
J. K. Synthetics Ltd.	25,000
Mahindra Ugine Steel Co. Ltd.	25,000
Mahindra & Mahindra Ltd.	10,000
The Associated Co. Ltd.	10,000
I. T. C. Ltd.	50,000
Tata Engineering & Locomotive Ltd.	25,000
Nirlon Synthetics Ltd.	10,000
Indian Aluminium Co. Ltd.	25,000

Indian Oil Corporation Ltd.	1,00,000
Godrej & Boyce Pvt. Ltd.	2,00,000
Ravindra Hiraus Pvt. Ltd.	1,00,000
A. H. Wadia Trust	5,00,000
Diwaliben Mohanlal Mehta Trust	5,00,000
Sir Dorab Tata Trust	2,00,000
Sir Ratan Tata Trust	2,00,000
The Indian Hotels Co. Ltd., (Taj Group)	2,00,000
Royal Western India Turf Club	2,00,000
Other Private & Public Sector companies	10,00,000
<hr/>	
	35,60,000

Sd/-

DR. J. JUSSAWALLA,

for Indian Cancer Society.

[No. 3405 (F. No. 203/138/80-ITA. II)]

नई दिल्ली, 29 मई, 1980

आय-कर

का०आ० 2042 :—सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात्, भारतीय आयुर्विज्ञान अनुसंधान परिषद, नई दिल्ली ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6 (ii) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनों के लिए चिकित्सा अनुसंधान के क्षेत्र में "वैज्ञानिक अनुसंधान संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्:—

- यह कि न्याय चिकित्सा अनुसंधान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का हिसाब पृथक रूप से रखेगा;
- यह कि न्याय प्रत्येक वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी परिषद् को प्रति वर्ष 31 मई तक ऐसे प्ररूप में प्रस्तुत करेगा, जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए
- यह कि संस्थान प्रत्येक वर्ष के लिए लेखाओं का वार्षिक संपरीक्षित विवरण परिषद् को प्रति वर्ष 31 मई तक भेजेगा और इसके अतिरिक्त इसकी एक प्रति सम्बद्ध आय-कर आयुक्त को भेजेगा

संस्था "वैज्ञानिक अनुसंधान संगम"

बिठ्ठल बास तुलसीबास बेसाई पूर्व न्याय, नाडियाड, गुजरात यह अधिसूचना 12-5-1980 से 11-5-1983 तक की 3 वर्ष की अवधि के लिए प्रभावी है।

[सं० 3422/का०सं० 203/151/80-आई टी ए II]

New Delhi, the 29th May, 1980

INCOME-TAX

S.O. 2042.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6 (ii) of the Income-tax Rules, 1962 under the category of "scientific research association" in the field of Medical Research subject to the following conditions:—

- That the Trust will maintain a separate account of the sums received by it for scientific research in the field of medical research;

- (ii) That the Trust will furnish annual returns of its scientific research activities to the Council for each year by 31st May each year at the latest in such form as may be laid down and intimated to them for this purpose;
- (iii) That the Trust will furnish an annual audited statement of accounts to the Council for each year by 31st May, each year and in addition send a copy of it to the concerned Income-tax Commissioner.

INSTITUTION "SCIENTIFIC RESEARCH ASSOCIATION"

VITHALDAS TULSIDAS DESAI CHARITY TRUST, NADIAD, GUJARAT.

The notification is effective for a period of 3 years from 12-5-1980 to 11-5-1983

[No. 3422 (F. No. 203/151/80-ITA. II)]

का० आ० 2043.—इस विभाग की अधिसूचना सं० 1675 (फा०सं० 203/189/76-आई टी ए II), तारीख 2 मार्च, 1977 के अनुक्रम में सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात्, सचिव, विज्ञान और प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6 (iv) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनों के लिए अन्य प्राकृतिक या अनुप्रयुक्त विज्ञान के क्षेत्र में "संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्:—

- (i) यह कि ज़ावेरभाई पटेल, अनुसंधान केन्द्र, मुम्बई प्राकृतिक या अनुप्रयुक्त (कृषि/पशुपालन/मात्स्यिकी और औषधि से चिन्त) विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का हिसाब पृथक् रूप से रखेगा;
- (ii) यह कि उक्त संगम प्रत्येक वित्तीय वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 अप्रैल तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किए जाएं और उसे सूचित किए जाएं

संस्था

ज़ावेरभाई पटेल, अनुसंधान केन्द्र, मुम्बई

यह अधिसूचना 1-12-79 से 31-11-1981 तक की 2 वर्ष की अवधि के लिए प्रभावी है

[सं० 3421(फा०सं० 203/186/78-आई टी ए II)]

S.O. 2043.—In continuation of this Department's notification No. 1675 (F. No. 203/189/76-ITA. II), dated 2nd March, 1977, it is hereby notified for general information that the institution mentioned below has been approved by the Secretary, Department of Science and Technology, New Delhi, the prescribed authority for the purposes of clause

(ii) of sub-section (1) of section 35 of the Income-tax Act, 1961, read with Rule 6(iv) of the Income-tax Rules, 1962 under the category 'Association' in the area of other natural or applied sciences, subject to the following conditions:—

- (i) That Jhaverbhai Patel Research Centre, Bombay, will maintain a separate account of the sums received by it for scientific research in the field of natural or applied science, (other than agriculture/animal husbandry/fisheries and medicines.);
- (ii) That the said Association will furnish the annual return of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid, down and intimated to them for this purpose by 30th April, each year.

INSTITUTION

THE JHAVERBHAI PATEL RESEARCH CENTRE, BOMBAY.

This notification is effective for a period of 2 years from 1-12-179 to 30-11-1981.

[No. 3421 (F. No. 203/186/78-ITA. II)]

नई दिल्ली, 16 जून, 1980

आय-कर

का० आ० 2044.—इस विभाग की अधिसूचना सं० 2187 (फा०सं० 203/13/78-आई टी ए II), तारीख 25 फरवरी, 1978 के अनुक्रम में सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात्, भारतीय आयुर्विज्ञान अनुसंधान परिषद, नई दिल्ली ने निम्नलिखित संस्था को आय-कर नियम, 1962 के नियम 6(ii) के साथ पठित, आय-कर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए चिकित्सा अनुसंधान के क्षेत्र में "वैज्ञानिक अनुसंधान संगठन" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:—

- (i) यह कि केन्द्र चिकित्सा अनुसंधान के लिए प्राप्त राशियों का हिसाब पृथक् से रखेगा ;
- (ii) उक्त केन्द्र प्रत्येक वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी परिषद् को प्रति वर्ष अधिक से अधिक 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए ;
- (iii) उक्त केन्द्र प्रत्येक वर्ष के लिए लेखापत्रों का वार्षिक संपरीक्षित विवरण परिषद् को प्रतिवर्ष 31 मई तक भेजेगा और इसके प्रतिरिक्त इसकी एक प्रति सम्बद्ध आय-कर आयुक्त को भेजेगा।

संस्था

"वैज्ञानिक अनुसंधान संगठन"

मधुमेह अनुसंधान केन्द्र, मद्रास

यह अधिसूचना 21-2-1980 से 20-2-1983 तक की तीन वर्ष की अवधि के लिए प्रभावी होगी

[सं० 3474 (फा०सं० 203/155/80-आई टी ए-II)]

New Delhi, the 16th June, 1980

INCOME-TAX

S.O. 2044.—In continuation of this Department's notification No. 2187 (F. No. 203/13/78-ITA. II) dated 25th February, 1978, it is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(ii) of the Income-tax Rules, 1962 under the category of "scientific research association" in the field of Medical Research subject to the following conditions:—

- (i) That the Centre will maintain a separate account of the sums received by it for medical research.
- (ii) That the Centre will furnish annual returns of its scientific research activities to the Council for each year by 31st May, each year at the latest in such form as may be laid down and intimated to them for this purpose.
- (iii) That the Centre will furnish an annual audited statement of accounts to the Council for each year by 31st May, each year and in addition send a copy of it to the concerned Income-tax Commissioner.

INSTITUTION (SCIENTIFIC RESEARCH ASSOCIATION)

DIABETES RESEARCH CENTRE, MADRAS.

The notification is effective for a further period of 3 years from 21-2-1980 to 20-2-1983.

[No. 3474 (F. No. 203/155/80-ITA. II)]

का० आ० 2045.—इस विभाग की अधिसूचना सं० 2450 (फा० सं० 203/96/78-आई टी ए II), तारीख 2 अगस्त, 1978 के अनुक्रम में सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात्, भारतीय आयुर्विज्ञान अनुसंधान परिषद, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 (ii) के साथ पठित, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए विकसिता अनुसंधान के क्षेत्र में "वैज्ञानिक अनुसंधान संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है, अर्थात्:—

- (i) यह कि संस्थान विकसिता अनुसंधान के लिए प्राप्त राशियों का हिसाब पृथक् से रखेगा;
- (ii) यह कि संस्थान प्रत्येक वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की एक वार्षिक विवरणी परिषद को प्रति वर्ष अधिक से अधिक 31 मई तक ऐसे प्रारूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए;

(iii) यह कि संस्थान प्रत्येक वर्ष के लिए लेखाघट्टों का वार्षिक संपरीक्षित विवरण परिषद को प्रति वर्ष 31 मई तक भेजेगा और इसके प्रतिस्वरूप इसकी एक प्रति संबंध आयकर आयुक्त को भेजेगा ।

संस्था (वैज्ञानिक अनुसंधान संगम)

शेर-ए-कश्मीर नेशनल मेडिकल इंस्टीट्यूट ट्रस्ट, श्रीनगर कश्मीर यह अधिसूचना 8-3-1980 से 7-3-1983 तक की तीन वर्ष की अवधि के लिए प्रभावी है ।

[सं० 3475 (फा.सं. 203/159/80-आई टी ए II)]

S.O. 2045.—In continuation of this Department's notification No. 2450 (F. No. 203/96/78-ITA. II) dated 2nd August, 1978, it is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6(ii) of the Income-tax Rules, 1962 under the category of "scientific research association" in the field of Medical Research subject to the following conditions:—

- (i) That the Institute will maintain a separate account of the sums received by it for medical research.
- (ii) That the Institute will furnish annual returns of its scientific research activities to the Council for each year by 31st May, each year at the latest in such form as may be laid down and intimated to them for this purpose.
- (iii) That the Institute will furnish an annual audited statement of accounts to the Council for each year by 31st May, each year and in addition send a copy of it to the concerned Income-tax Commissioner.

INSTITUTION (SCIENTIFIC RESEARCH ASSOCIATION)

SHER-I-KASHMIR NATIONAL MEDICAL INSTITUTE TRUST, SRINAGAR KASHMIR.

The notification is effective for a period of 3 years from 8-3-1980 to 7-3-1983.

[No. 3475 (F. No. 203/159/80-ITA. II)]

नई दिल्ली, 14 जुलाई, 1980

आय-कर

का.आ. 2046.—राजस्व विभाग, अधिसूचना सं. 2410 (फा. सं. 203/88/78-आई टी ए II), तारीख 17-7-1978 का निम्नलिखित रूप में आंशिक संशोधन करता है:—

“पूर्ण होने की प्रत्याशित तारीख 18-8-1979”

के स्थान पर

“पूर्ण होने की प्रत्याशित तारीख 19-8-1979 से 18-8-1981 तक” रखें।

[सं. 3545/फा.सं. 203/158/80-आई टी (ए II)]

हरि नारायण, अवर सचिव

New Delhi, the 14th July, 1980

INCOME TAX

S.O. 2046.—The Department of Revenue partially amend the notification No. 2410 (F. No. 203/88/78-ITA. II), dated 17-7-1978 as under:—

for	Substitute
Anticipated date of completion. 18-8-1979	Anticipated date of completion. From 19-8-1979 to 18-8-1981.

[No. 3545/F. No. 203/158/80-I T (A. II)]

HARI NARAIN, Under Secy.

नई दिल्ली, 19 जून, 1980

आय-कर

का.आ. 2047.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “कैथोलिक चर्च, धरमपुर” को निर्धारण वर्ष 1977-78 से 1980-81 तक के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं. 3485/फा.सं. 197/76/79-आ.क. (ए 1)]

New Delhi, the 19th June, 1980

INCOME-TAX

S.O. 2047.—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Catholic Church, Dharmampur” for the purposes of the said section for the assessment years 1977-78 to 1980-81.

[No. 3485/F. No. 197/76/79-IT (AI)]

का.आ. 2048.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित गुरुद्वारों को निर्धारण वर्ष 1972-73 से 1980-81 तक के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है:—

1. श्री दरबार साहिब, श्री अमृतसर
2. श्री दरबार साहिब, श्री तरण तारण (अमृतसर)
3. गुरुद्वारा श्री नानकियाना साहिब, संगरूर
4. गुरुद्वारा श्री बेर साहिब, सुल्तानपुर लोधी (कपूरथला)
5. गुरुद्वारा श्री गुरु तेग बहादुर साहिब, जिन्द (संगरूर)
6. तख्त श्री केशगढ़ साहिब, श्री आनन्दपुर साहिब

535 GI/80—3

7. श्री दरबार साहिब, श्री मुक्तसर (फिरोजपुर)
8. गुरुद्वारा श्री दुखनिवारण साहिब (पटियाला)
9. गुरुद्वारा श्री फतेहगढ़ साहिब, मरहन्द (पटियाला)
10. गुरुद्वारा श्री गुरु तेगबहादुर साहिब, धामतान साहिब (जिन्द)
11. गुरुद्वारा तख्त श्री बम्दमा साहिब, तलवन्दी गाँवों (भटिन्दा)

[सं. 3487/फा.सं. 197/130/79-आ.क. (ए 1)]

S.O. 2048.—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the following Gurudwaras for the purpose of the said section for the assessment years 1972-73 to 1980-81:—

1. Sri Darbar Sahib, Sri Amritsar.
2. Sri Darbar Sahib, Sri Taran Taran (Amritsar).
3. Gurudwara Sri Nankiana Sahib, Sangrur.
4. Gurudwara Sri Ber Sahib, Sultanpur Lodhi (Kapurthala).
5. Gurudwara Sri Guru Teg Bahadur Sahib Jind (Sangroor).
6. Takhat Sri Kesgarh Sahib, Sri Anandpur Sahib.
7. Sri Darbar Sahib, Sri Muktsar (Ferozepur).
8. Gurudwara Sri Dukhniwaran Sahib (Patiala).
9. Gurudwara Sri Fatehgarh Sahib, Sirhind (Patiala).
10. Gurudwara Sri Guru Teg Bahadur Sahib, Dhamtan Sahib (Jind).
11. Gurudwara Takhat Sri Damdma Sahib, Talwandi Sabo (Bhatinda).

[No. 3487/F. No. 197/130/79-IT(AI)]

नई दिल्ली, 20 जून, 1980

आय-कर

का.आ. 2049.—केन्द्रीय सरकार, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 10 की उपधारा (23ग) के खण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “श्री कानियूर मठ, उदुपी” को निर्धारण वर्ष 1962-63 से 1980-81 तक के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं. 3490/फा.सं. 197/60/73-आ.क. (ए-1)]

बी.एम.सिंह, अवर सचिव

New Delhi, the 20th June, 1980

INCOME-TAX

S.O. 2049.—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Shri Kaniyur Mutt, Udipi,” for the purpose of the said section for the assessment years 1962-63 to 1980-81.

[No. 3490/F. No. 197/60/78-IT(AI)]

B.M. SINGH, Under Secy.

केन्द्रीय उत्पाद शुल्क समाहर्ता का कार्यालय

जम्माई, 24 जुलाई, 1980

क्र.०आ० 2050.—के.उ.शु. नियम, 1944 के नियम 5 के अन्तर्गत मुझे प्रदत्त शक्तियों का प्रयोग करते हुए, मैं एतद्वारा केन्द्रीय उत्पाद शुल्क के क्षेत्राधिकारी सहायक समाहर्ताओं को नियम 56क(3) (vi) क (घ) तैयारी के अन्तर्गत समाहर्ता की शक्तियों का प्रयोग करने के लिए प्राधिकृत करता हूँ। ताकि वे किसी ऐसे विनिर्माता को, जो 1-8-1980 प्रारम्भ के ठीक पूर्व शुल्क परिरक्षित उत्पाद शुल्क माल के विनिर्माण में प्रयोग में आनेवाली सामग्री या संघटक भागों पर मुजरा अथवा उपभोग करता रहा या, निम्नलिखित के अन्तर्गत की प्रतुष्टि दे सके।

- (i) उसके द्वारा अभिप्राप्त उक्त सामग्री या संघटक भागों पर जो ऐसे प्रारम्भ के पूर्व अधयुक्त पड़े थे संवत् शुल्क की रकम का प्राप्ति धार. जी. 23 में उसके खाने में।
- (ii) उक्त शुल्क संवत् सामग्री या संघटक भागों के स्टॉक का जो ऐसे आन्तर्गत होने के पूर्व कारखाने में ऐसे ही पड़े हैं या प्रसंस्करण में हैं, या स्टॉक में शुल्क परिरक्षित उत्पाद माल में अन्तर्बिष्ट हैं प्राप्ति धार. जी. 23 में उसके खाने में।

[अधिसूचना सं.के.उ.नि.०/56क/1980/क्र.०सं. V.(30)/
47/वि.वि.०/80(पार्ट-I)]
के. एस. दिलीप सिंहजी, समाहर्ता

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE

Bombay, the 24th July, 1980

S.O. 2050.—In exercise of the powers conferred upon me under Rule 5 of the Central Excise Rules, 1944, I hereby authorise the jurisdictional Assistant Collectors of Central Excise to exercise the powers of Collector under Rule 56A(3)(via)(d) ibid to permit a manufacturer who had been immediately before 1-8-1980, availing of the Set Off procedure, on material or component parts used in the manufacture of dutiable finished excisable goods, to transfer:—

- (i) the amount of duty paid on the said material or component parts received by him and lying unutilised before such commencement, to his account, in Form RG.23;
- (ii) Stocks of the said duty paid material or component parts as such, or in process or contained in the dutiable finished excisable goods in stock, in the factory before such commencement to his account in Form R.G. 23.

[Notification No. CER/56A/1980/F. No. V(30)47/Misc./80 (Part-I)]

K. S. DILIPSINHJI, Collector

आर्थिक कार्य विभाग

(क्षेत्रीय प्रभाग)

नई दिल्ली, 26 जुलाई, 1980

क्र.०आ० 2051.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (ख) (i) के अनुसरण में,

केन्द्रीय सरकार, सेण्ट्रल बैंक ऑफ इंडिया ब्रांच ऑफिस निजाम रोड, लुधियाना, (पंजाब) के विशेष सहायक, श्री एच.एस. ग्रेवाल को उक्त बैंक के कर्मचारियों, जो कि कर्मकार हैं, का प्रतिनिधित्व करने के लिए 26 जुलाई, 1980 से प्रारम्भ होने वाली और 25 जुलाई, 1983 को समाप्त होने वाली अवधि के लिए भारत सरकार, वित्त मंत्रालय (क्षेत्रीय विभाग) की 4 दिसम्बर, 1972 की अधिसूचना संख्या एफ 9-4/32/72-बी०-1 (खण्ड 3)-4 के अन्तर्गत नियुक्त किए गए श्री टी. चक्रवर्ती के स्थान पर सेण्ट्रल बैंक ऑफ इंडिया का निदेशक नियुक्त करती है।

[संख्या एफ०/9/14/79-बी०-1(1)]

**Department of Economic Affairs
(Banking Division)**

New Delhi, the 26th July, 1980

S.O. 2051.—In pursuance of sub-clause (b)(i) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby appoints Shri H.S. Grewal, Special Assistant, Central Bank of India, Branch Office, Nizam Road, Ludhiana (Punjab) as a Director of the Central Bank of India for a period of three years commencing on 26th July, 1980 and ending with 25th July, 1983 to represent employees of the said Bank who are workmen in the place of Shri T. Chakraborty appointed under the Notification of the Government of India in the Ministry of Finance (Department of Banking) No. F. 9-4-32/72-BO.I (Vol. II)-4, dated 4th December, 1972.

[No. F. 9/14/79-BO.I(1)]

क्र.०आ० 2052.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (ख) (i) के अनुसरण में, केन्द्रीय सरकार, पंजाब नेशनल बैंक, कोयम्बतूर (तमिलनाडु) के विशेष सहायक, श्री सी.एस. रामास्वामी को उक्त बैंक के कर्मचारियों जो कि कर्मकार हैं, का प्रतिनिधित्व करने के लिए 26 जुलाई, 1980 से प्रारम्भ होने वाली और 25 जुलाई, 1983 को समाप्त होने वाली अवधि के लिए भारत सरकार, वित्त मंत्रालय (क्षेत्रीय विभाग) की 4 दिसम्बर, 1972 की अधिसूचना संख्या एफ० 9-4/32/72-बी०-1 (खण्ड III)-4 के अन्तर्गत नियुक्त किए गए श्री डी.पी. चड्ढा के स्थान पर पंजाब नेशनल बैंक का निदेशक नियुक्त करती है।

[सं.एफ०/9/14/79-बी०-1(2)]

S.O. 2052.—In pursuance of sub-clause (b)(i) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme 1970, the Central Government, hereby appoints Shri C.S. Ramaswamy, Special Assistant, Punjab National Bank, Coimbatore (Tamil Nadu) as a Director of the Punjab National Bank for a period of three years commencing on 26th July, 1980 and ending with 25th July, 1983 to represent employees of the said Bank who are workmen in the place of Shri D.P. Chadha appointed under the Notification of the Government of India in the Ministry of Finance (Department of Banking) No. F. 9-4/32/72-BO. I (Vol. II)-4, dated 4th December, 1972.

[No. F. 9/14/79-BO.I(2)]

केन्द्रीय उत्पाद शुल्क समाहर्तालय

कानपुर, 28 जुलाई, 1980

का. अ. 2053 :—केन्द्रीय उत्पाद शुल्क नियमावली, 1944 के नियम 5 के अन्तर्गत प्रवर्त शक्तियों का प्रयोग करते हुए मैं केन्द्रीय उत्पाद शुल्क समाहर्तालय कानपुर के क्षेत्राधिकार में अपने-अपने क्षेत्राधिकार में केन्द्रीय उत्पाद शुल्क नियमावली 1944 के नियम 56 क के उपनियम (3) के खण्ड (VI-क) के उपखण्ड 'घ' के अधीन यथा अन्तर्विष्ट देखिए। भारत सरकार, वित्त मंत्रालय (राजस्व विभाग) नई दिल्ली की अधिसूचना सं० 118/80 के०उ०शु० दिनांक 19 जुलाई, 1980, समाहर्ता की शक्तियों के प्रयोग करने के लिए प्राधिकृत करता है।

2. उक्त नियमावली के नियम 56 क के उपनियम (3) के खण्ड (VI-क) के उक्त उपखण्ड (घ) के अनुमरण में एतद्द्वारा निम्नलिखित शर्तें और सीमाएँ निर्धारित की जाती हैं।

प्रत्येक निमाणकर्ता जो दिनांक 1-8-1980 के पहले उक्त नियमावली के नियम 8 के अन्तर्गत निर्गत अधिसूचना द्वारा शुल्क योग्य परिष्कृत, उत्पाद शुल्क योग्य माल के निर्माण में प्रयुक्त होने वाली सामग्रियों या संघटक अवयवों (इसके बाद इसे निवेश कहा जाएगा) पर समायोजन कार्यविधि का उपयोग कर रहा या बहु यदि चाहें तो निम्नलिखित के अन्तर्गत के लिए क्षेत्राधिकारी सहायक समाहर्ता से अनुज्ञा लेने के लिए आवेदन देगा :—

- (i) फार्म आर०जी० 23 लेखों में दर्ज, दिनांक 1-8-80 के पहले से अप्रयुक्त पड़े और उसके द्वारा प्राप्त उक्त निवेशों पर प्रवर्त शुल्क की धनराशि।
- (ii) फार्म आर०जी० 23 लेखों में दर्ज और दिनांक 1-8-80 के पहले से कारखाने के स्टॉक में पड़े शुल्क योग्य परिष्कृत उत्पाद शुल्क योग्य माल में अन्तर्विष्ट संसाधनाधीन निवेशों या निवेशों की हैसियत के स्टॉक।

3. प्रत्येक ऐसा आवेदक दिनांक 31-7-80/1-8-80 की मध्य रात्रि के 12 बजे अपने पास उपलब्ध निम्नलिखित तीन प्रकार के निवेशों के बारे में निरीक्षण करने वाले उचित अधिकारी के सामने एक घोषणा अनुबन्ध में दिए गए फार्म में दिनांक 31-7-80/1-8-80 की मध्यरात्रि के 12 बजे या उसके पहले, जैसा भी प्रकरण हो, प्रस्तुत करेगा।

(क) निवेशों के रूप में शेष निवेश

(ख) संसाधनाधीन पाह्य साइन निवेश

(ग) स्टॉक के शुल्क योग्य परिष्कृत उत्पाद शुल्क योग्य माल में अन्तर्विष्ट निवेश।

4. उपर्युक्त घोषणा की जांच, केन्द्रीय उत्पाद शुल्क के उचित अधिकारियों द्वारा, जहाँ कहीं सम्भव होगा वास्तविक सत्यापन द्वारा और इसके अतिरिक्त निर्धारिती के अधिनियमों (इसमें निजी अधिनियम भी सम्मिलित हैं) को सन्दर्भ में की जायेगी। स्टॉक में रखे शुल्क योग्य परिष्कृत उत्पाद शुल्क योग्य माल के निवेशों के प्रकरण में यह जांच, अन्य बातों के साथ, समायोजन प्रक्रिया के अन्तर्गत घोषित परिष्कृत उत्पादों के निवेश के अनुपात के सूत्र के सन्दर्भ में की जायेगी।

प्रत्येक ऐसा आवेदक निर्माता उक्त सत्यापन की सभी अपेक्षाओं का पालन करेगा और इस कार्य के लिए उचित अधिकारी को पूरी सहायता देगा।

5. सत्यापन के बाद अभिविधाधीन या स्टॉक में रखे परिष्कृत निवेशों को आर०जी० 23 (भाग 1) में प्राप्त और निर्गत के रूप में दर्शित किया जाएगा।

6. उचित अधिकारियों द्वारा केवल ऐसे सत्यापन करने के बाद ही शेष का अन्तरण आर०जी० 23 लेखों में किया जायेगा और इसे रेंज अधिकारी द्वारा प्रमाणित किया जायेगा।

अनुबन्ध

दिनांक 31-7-80/1-8-80 की मध्यरात्रि 12.00 बजे विनिमयता के पास उपलब्ध निवेशों की घोषणा:

- (1) लाइसेंस का नाम:
- (2) एल०-4 लाइसेंस संख्यांक:
- (3) निवेशों का अभिवर्णन:

मैं/हम दिनांक 1-8-80 के ठीक पहले छूट अधिसूचना संख्या— विनांक—के अन्तर्गत समायोजन प्रक्रिया का उपयोग कर रहे हैं। केन्द्रीय उत्पाद शुल्क नियमावली, 1944 के नियम 56 क के उपनियम 3 में खण्ड (VI-क) उपखण्ड (घ) की शर्तों के अनुसार मेरे/हमारे फार्म आर०जी० 23 लेखों में दर्ज तथा दिनांक 1-8-80 के पहले से अनु-प्रयुक्त पड़े और मेरे/हमारे द्वारा प्राप्त सामग्रियों या संघटक अवयवों (इसके बाद उन्हें निवेश कहा जाएगा) पर प्रवर्त शुल्क की धनराशि और मेरे/हमारे फार्म आर०जी० 23 लेखों में दर्ज एवं दिनांक 31-7-80/1-8-80 की मध्यरात्रि से कारखाने के स्टॉक में पड़े शुल्क योग्य परिष्कृत उत्पाद शुल्क मास में अन्तर्विष्ट, संसाधनाधीन निवेशों या निवेशों के रूप में स्टॉक के अन्तरण के लिए मैंने/हमने समेकित विद्या है। मैं और आगे घोषणा करता हूँ कि दिनांक 31-7-80/1-8-80 की मध्यरात्रि 12.00 बजे मेरे/हमारे कारखाने में शुल्क प्रवर्त निम्नलिखित निवेश उपलब्ध है :—

डेटाफ़- म. सं० सहित शुल्क प्रवर्त निवेशों का अभिवर्णन	गेटपास 1 की सं० और तारीख, जिस के अन्तर्गत प्राप्त हुआ है	दिनांक 31-7-80/1-8-80 की मध्यरात्रि 12.00 बजे रात अतिशेष
1	2	3

- (1) इस प्रकार के प्रतिनिधित्व निवेश
- (2) संसाधनाधीन निवेश
- (3) स्टॉक में रखे शुल्क योग्य परिष्कृत उत्पाद शुल्क योग्य माल स्टॉक में अंतर्विष्ट निवेश।

योग :—

प्रमाणित किया जाता है कि उपरोक्त घोषणा पूर्णतः सही है।

स्थान :

दिनांक :

निर्धारिती अवधि प्राधिकृत एजेंट के हस्ताक्षर।

[अधिसूचना सं० 2/1980/प० सं० V (8) (30)/47 टेक०/VI/80/16957]

जे० रामकृष्णन, समाहर्ता

Central Excise Collectorate

Kanpur, the 28th July, 1980

S.O. 2053 :—In exercise of the powers conferred under Rule 5 of the Central Excise Rules, 1944, I authorise all the Assistant Collectors of Central Excise within the jurisdiction of the Collectorate of Central Excise, Kanpur, to exercise within their jurisdictions the powers of the Collector under sub-clause (d) in clause (via) in sub-rule (3) of rule 56-A of the Central Excise Rules, 1944, as inserted vide the Notification of the Government of India in the Ministry of Finance (Department of Revenue), New Delhi No. 118/80-CE dated the 19th July, 1980.

2. In pursuance of the said sub-clause (d) in clause (via) in sub-rule (3) of Rule 56-A of the said Rules, the following conditions and limitations are hereby prescribed :—

Every manufacturer who was immediately before 1-8-1980 availing of the set-off procedure on materials or component parts (hereinafter referred to as inputs) used in the manufacture of the dutiable finished excisable goods by a Notification issued under Rules 8 of the said Rules, will, if he so desires, make an application to the jurisdictional Assistant Collector for permission to transfer :—

- (i) The amount of duty-paid on the said inputs received by him and lying un-utilised before 1-8-1980 to his account in form R.G. 23;
- (ii) Stocks of the inputs as such or in process or contained in the dutiable finished excisable goods in stock in the factory before 1-8-1980 to his account in form R.G. 23.

3. Every such applicant shall submit a declaration in the form given in the annexure to the visiting proper officer at 12.00 and mid-night of 31-7-1980/1-8-80 or earlier, as the case may be, in respect of the following three types of inputs with him at 12.00 mid-night of 31-7-80/1-8-80:—

- (a) Inputs in balance as such
- (b) Inputs in the pipeline in process
- (c) Inputs contained in the dutiable finished excisable goods in stock.

4. The above declaration shall be checked by the proper Central Excise Officers by physical verification wherever possible and additionally by reference to assessee's records (including private records). In the case of inputs contained in the dutiable finished excisable goods in stock, this check shall, inter-alia, be exercised by reference to the formula regarding ratio of input to finished product declared under set-off procedure. Every such applicant-manufacturer shall comply with all requirements of the said veri-

fication and extend full help to the proper officer in this behalf.

5. After verification, the inputs in process or contained in the finished excisable goods in stock shall be shown as receipt as well as issue in R. G. 23 (Part I).

6. It is only after such verification has been carried out by the proper officers that the balance shall be transferred to the R. G. 23 account and certified by the Range Superintendent.

ANNEXURE

Declaration of Inputs with A Manufacture at 12.00 Mid-Night on 31-7-1980/1-8-80.

1. Name of the licensee ;
2. L. 4 Licence Number ;
3. The description of the inputs ;

I/We have been availing of the set-off procedure immediately before 1-8-80 under the exemption Notification No. ——— dated ———. In terms of sub-clause (d) in clause (via) in sub-rule (3) of Rule 56A of the Central Excise Rules, 1944, I/We, have made an application to transfer the amount of duty-paid on the materials or component parts (hereinafter referred to as inputs) received by me/us and lying un-utilised in the mid-night of 31-7-80/1-8-80 to my/our account in form R. G. 23 and to transfer stocks of duty paid inputs as such or in process or contained in the dutiable finished excisable goods in stock in the factory in the mid-night of 31-7-80/1-8-80 to my/our account in form R. G. 23. I further declare that at 12.00 mid-night of 31-7-80/1-8-80, the following duty-paid inputs are available in my/our factory:—

Description of the duty-paid inputs with Tariff Item No.	Number and date of G.P. 1 under which received	Closing balance as on 12.00 mid night of 31-7-80/1-8-80
(i) Inputs in balance as such.		
(ii) Inputs in process		
(iii) Inputs contained in the dutiable finished excisable goods in stock		

TOTAL

Certified that the declaration given above is totally correct.

Place : _____ Signature of the Assessee or his authorised agent.

Date : _____

[Notification No. 2/1980/C. No. V(8) (30)47-Tech/VI/80/16957]

J. RAMAKRISHNAN, Collector.

नई दिल्ली, 28 जुलाई, 1980

क्र०आ० 2054.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए भारतीय रिजर्व बैंक की सिफारिश पर केन्द्रीय सरकार एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 9 के उपबन्ध इस अधिसूचना के भारत के राजपत्र में प्रकाशित होने की तारीख से 1 मार्च, 1982 तक की अवधि के लिए त्रिचूर डिस्ट्रिक्ट को-ऑपरेटिव बैंक लिमिटेड त्रिचूर, केरल पर वहाँ तक लागू नहीं होंगे जहाँ तक इनका सम्बन्ध इस बैंक द्वारा गैर-बैंकिंग ग्रास्ति अर्थात् त्रिचूर गांव में स्थित 58-5 सेंट भूमि और उस पर बने भवन की धारिता से है जो जनाना मिशन जायबाद के रूप में भी जाना जाता है।

[संख्या 8(31)/80-ए०सी०]

New Delhi, the 28th July, 1980

S. O. 2054.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act 1949 (10 of 1949) The Central Government on the recommendations of the Reserve Bank of India hereby declare that the provisions of Section 9 of the said Act shall not apply to the Trichur District Cooperative Bank Ltd. Trichur, Kerala in so far as they relate to its holding of 58.5 cents of land with a building thereon also known as Zanana Mission property situated in Trichur village for a period from the date of publication of this notification in the Gazette of India to 1-3-1982.

[No. 8(31)/80-AC]

नई दिल्ली, 31 जुलाई, 1980

क्र०आ० 2055.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 8 के उपखण्ड (1) के साथ पठित खण्ड 3 के उपखण्ड (क) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा श्री एस० एल० चोपड़ा को, 1 अगस्त, 1980 से आरम्भ होकर 20 सितम्बर, 1981 को समाप्त होने वाली अवधि के लिए पंजाब नेशनल बैंक के प्रबन्ध निदेशक के रूप में नियुक्त करती है।

[सं० एफ० 9/6/80-बी०ओ०-1(1)]

New Delhi, the 31st July, 1980

S. O. 2055.—In pursuance of sub-clause (a) of clause 3, read with sub-clause (1) of clause 8, of the Nationalised Banks (Management and Miscellaneous Provisions) Schemes, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri S. L. Chopra as the Managing Director of the Punjab National Bank for a period commencing on 1st August, 1980 and ending with 20th September, 1981.

[No. F. 9/6/80-BO. I(1)]

क्र०आ० 2056.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 7 के साथ पठित खण्ड 5 के उपखण्ड (1) के अनुसरण

में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा श्री एस० एल० चोपड़ा को, जिन्हें 1 अगस्त, 1980 से पंजाब नेशनल बैंक के प्रबन्ध निदेशक के रूप में नियुक्त किया गया है, उसी तारीख से पंजाब नेशनल बैंक के निदेशक बोर्ड के अध्यक्ष के रूप में नियुक्त करती है।

[सं० एफ० 9/6/80-बी०ओ०-1(2)]

S. O. 2056.—In pursuance of sub-clause (1) of clause 5, read with clause 7, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri S. L. Chopra, who has been appointed as Managing Director of the Punjab National Bank with effect from 1st August, 1980 to be the Chairman of the Board of Directors of the Punjab National Bank with effect from the same date.

[No. F. 9/6/80-BO. I(2)]

क्र०आ० 2057.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 8 के उपखण्ड (1) के साथ पठित खण्ड 3 के उपखण्ड (क) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा श्री एस० नियोगी को, 1 अगस्त, 1980 से आरम्भ होकर 2 अक्टूबर, 1980 को समाप्त होने वाली और अवधि के लिए यूनाइटेड बैंक आफ इंडिया के प्रबन्ध निदेशक के रूप में पुनः नियुक्त करती है।

[संख्या एफ० 9/6/80-बी०ओ०-1(3)]

S. O. 2057.—In pursuance of sub-clause (a) of clause 3, read with sub-clause (1) of clause -8, of the Nationalised Banks (Management and Miscellaneous Provisions) Schemes, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby re-appoints Shri S. Niyogi as the Managing Director of the United Bank of India for a further period commencing on 1st August, 1980 and ending with 2nd October, 1980.

[No. F. 9/6/80-BO. I (3)]

क्र०आ० 2058.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 7 के साथ पठित खण्ड 5 के उपखण्ड (1) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा श्री एस० नियोगी को, जिन्हें 1 अगस्त, 1980 से यूनाइटेड बैंक आफ इंडिया के प्रबन्ध निदेशक के रूप में पुनः नियुक्त किया गया है, उसी तारीख से यूनाइटेड बैंक आफ इंडिया के निदेशक बोर्ड के अध्यक्ष के रूप में नियुक्त करती है।

[सं० एफ० 9/6/80-बी०ओ०-1(4)]

[च० वा० मीरचन्दानी, उप सचिव]

S. O. 2058.—In pursuance of sub-clause (1) of clause 5, read with clause 7, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints

Shri S. Niyogi, who has been re-appointed as Managing Director of the United Bank of India with effect from 1st August, 1980 to be the Chairman of the Board of Directors of the United Bank of India with effect from the same date.

[No. F. 9/6/80-BO. I(4)]

C. W. MIRCHANDANI, Dy. Secy.

नई दिल्ली, 31 जुलाई, 1980

का०आ० 2059.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, एतद्द्वारा श्री अम्बुल बहीव सिद्दीकी को बस्ती ग्रामीण बैंक, बस्ती का अध्यक्ष नियुक्त करती है तथा 1 अगस्त, 1980 से प्रारम्भ होकर 31 जुलाई 1983 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान उक्त श्री अम्बुल बहीव सिद्दीकी अध्यक्ष के रूप में कार्य करेंगे।

[सं० एफ० 1-17/80-आर०आर०बी०]

New Delhi, the 31st July, 1980

S.O. 2059.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri Abdul Waheed Siddiqui as the Chairman of the Basti Gramin Bank, Basti and specifies the period commencing on the 1st August, 1980 and ending with the 31st July, 1983 as the period for which the said Shri Abdul Waheed Siddiqui shall hold office as such Chairman.

[No. F. 1-17/80-RRB]

नई दिल्ली, 5 अगस्त, 1980

का०आ० 2060.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा श्री जे०के० रथ को बालासोर ग्राम्य बैंक, बालासोर का अध्यक्ष नियुक्त करती है तथा 6 अगस्त, 1980 से प्रारम्भ होकर 5 अगस्त, 1983 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री जे०के० रथ अध्यक्ष के रूप में कार्य करेंगे।

[सं० एफ० 1-13/80-आर०आर०बी०]

इन्द्रानी सेन, अवर सचिव

New Delhi, the 5th August, 1980

S.O. 2060.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri J. K. Rath as the Chairman of the Balasore Gramya Bank, Balasore and specifies the period commencing on the 6th August, 1980 and ending with the 5th August, 1983 as the period for which the said Shri J. K. Rath shall hold office as such Chairman.

[No. F. 1-13/80-RRB]

INDRANI SEN, Under Secy.

उद्योग मंत्रालय

(औद्योगिक विकास विभाग)

आदेश

नई दिल्ली, 29 जुलाई, 1980

का०आ० 2061.—केन्द्रीय सरकार, विकास परिषद् (प्रक्रिया संबंधी) नियम, 1952 के नियम 5 के साथ पठित उद्योग (विकास और नियंत्रण) अधिनियम, 1951 (1951 का 65) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री मनीश बहल, संयुक्त सचिव, उद्योग मंत्रालय (औद्योगिक विकास विभाग) नई दिल्ली को, 8 अक्टूबर, 1980 तक, श्री बी० आर० आर० अयंगर, संयुक्त सचिव, उद्योग मंत्रालय (औद्योगिक विकास विभाग), नई दिल्ली के स्थान पर भारत सरकार के उद्योग मंत्रालय (औद्योगिक विकास विभाग) के आदेश सं० का०आ०/आई बी आर ए/6/5, तारीख 9 अक्टूबर, 1978 द्वारा स्थापित उपकरण उद्योग विकास परिषद् के सदस्य के रूप में नियुक्त करती है और निदेश देती है कि उक्त आदेश का निम्नलिखित संशोधन किया जाएगा, अर्थात् :—

उक्त आदेश में, प्रविष्टि सं० 15 और अंतिम पैरा के स्थान पर निम्नलिखित रखा जाएगा; अर्थात् :—

"15. श्री मनीश बहल, संयुक्त सचिव, उद्योग मंत्रालय (औद्योगिक विकास विभाग) उद्योग भवन, नई दिल्ली।

श्री मनीश बहल, संयुक्त सचिव, उद्योग मंत्रालय (औद्योगिक विकास विभाग) नई दिल्ली को सदस्य-सचिव के रूप में उक्त विकास परिषद् के कृत्यों का पालन करने के लिए नियुक्त किया जाता है।"

[सं० आई०एम०ई०-3(5)/76]

एस० भीरमन, अवर सचिव

MINISTRY OF INDUSTRY

(Department of Industrial Development)

ORDER

New Delhi, the 29th July, 1980

S.O. 2061.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rule 5 of the Development Councils (Procedural) Rules, 1962, the Central Government hereby appoints till the 8th October, 1980, Shri Manish Bahl, Joint Secretary in the Ministry of Industry (Department of Industrial Development), New Delhi Vice Shri B.R.R. Iyengar, Joint Secretary in the Ministry of Industry (Department of Industrial Development), New Delhi, to be the Member of the Development Council for Instruments Industry, established by the Order of the Government of India in the Ministry of Industry (Department of Industrial Development) No. S.O. 3107/IDRA/6/5,

dated the 9th October, 1978 and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, for the entry No. 15 and the concluding paragraph, the following shall be substituted, namely:—

“15. Shri Manish Bahl, Joint Secretary in the Ministry of Industry (Department of Indus-

trial Development) , Udyog Bhavan, New Delhi.

Shri Manish Bahl, Joint Secretary, Ministry of Industry (Department of Industrial Development) New Delhi, is hereby appointed to carry out the functions of the said Development Council as Member-Secretary.”

[No. IME-3(5)/76]

S. SRIRAMAN, Under Secy.

पेट्रोलियम, रसायन और उर्वरक मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 25 जुलाई, 1980

का०भा० 2062—यतः इस संलग्न अनुसूची में विनिर्दिष्ट और पेट्रोलियम खनिज पाइपलाइन (भूमि में उपयोग के अधिकारों का अर्जन) अधिनियम, 1962 की धारा 6 की उपधारा (1) के अधीन प्रकाशित भारत सरकार की अधिसूचना द्वारा इंडियन आयल कारपोरेशन लिमिटेड के लिए गुजरात राज्य के सलाया से उत्तर प्रदेश में मथुरा तक पेट्रोलियम के परिवहन के लिए उस संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित कर लिया गया है।

और यतः इंडियन आयल कारपोरेशन लिमिटेड ने उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (1) में निश्चित प्रक्रिया की अनुसूची में निश्चित गांव के नाम के सामने दिखाई गई तिथि से पर्याप्त कर दिया है।

अब यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकारों का अर्जन) नियमवली 1963 के नियम 4 के अधीन सक्षम प्राधिकारी उक्त तिथि को ऊपर निश्चित प्रक्रिया पर्यवेक्षण के रूप में पतवद्वारा अधिसूचित करते हैं।

अनुसूची

व्ययन क्षेत्र सलाया से मथुरा तक माइल लाइन संक्रिया पर्यवेक्षण

तहसील : व्यावर	जिला : अजमेर	राज्य : राजस्थान
मंत्रालय का नाम	गांव	का०भा० सं०
		भारत के राजपत्र में प्रकाशन की तिथि
		संक्रिया पर्यवेक्षण की तिथि
पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग)	1. नासून	895
		1-4-1978
		2-4-1980

[सं० 12020/12/80-प्र० 1]

MINISTRY OF PETROLEUM, CHEMICALS AND FERTILIZER

(Department of Petroleum)

New Delhi, the 25th July, 1980

S. O. 2062.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Right of User has been acquired in the lands specified in the schedule appended thereto for the Indian Oil Corporation

Limited for the transport of petroleum from Salaya in Gujarat State to Mathura in Uttar Pradesh;

And whereas the Indian Oil Corporation Limited has terminated the operation referred to in clause(i) of sub-section (1) of section 7 of the said Act on the date shown against the name of village in the schedule;

Now, therefore, under rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of the said operation.

SCHEDULE

Termination of Operation of Pipeline from Salaya to Mathura

Tehsil : BEAWAR

District : AJMER

State : RAJASTHAN

Name of the Ministry	Name of Village	S.O. No.	Date of Publication in the Gazette of India	Date of Termination
Petroleum, Chemicals & Fertilizer (Department of Petroleum)	1. Nasoon	895	1-4-1978	2-4-1980

[No. 12020/12/80-Prod. I]

कां० 2063.—यत् इस स्लान अनुसूची में निम्नलिखित और पेट्रोलियम खनिज पाइपलाइन (भूमि में उपयोग के अधिकारों का अर्जन) अधिनियम, 1962 की धारा 6 की उपधारा (1) के अधीन प्रकाशित भारत सरकार की अधिसूचना द्वारा इंडियन आयल कारपोरेशन लिमिटेड के लिए गुजरात राज्य के सलाया से उत्तर प्रदेश में मथुरा तक पेट्रोलियम के परिवहन के लिए उस स्लान अनुसूची में निम्नलिखित भूमियों के उपयोग का अधिकार अर्जन कर लिया गया है।

और यत् इंडियन आयल कारपोरेशन लिमिटेड ने उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (1) में निम्नलिखित सत्रिया की अनुसूची में निम्नलिखित गांव के नाम के सामने दिखाई गई तिथि से पर्यवसान कर लिया है।

अब यत् पेट्रोलियम और खनिज पाइपलाइन (भूमि के उपयोग के अधिकारों का अर्जन) नियमावली 1963 के नियम 4 के अधीन मंजूर अधिकारों के उक्त तिथि को उपर निम्नलिखित सत्रिया पर्यवसान के रूप में एतद्वारा अधिसूचित करते हैं।

अनुसूची

व्ययन क्षेत्र सलाया से मथुरा तक पाइपलाइन सत्रिया पर्यवसान

तहसील : अजमेर	जिला : अजमेर	राज्य : राजस्थान		
मंत्रालय का नाम	गांव	का०प्रा०सं०	भारत के राजपत्र में प्रकाशन की तिथि	संश्रिया पर्यवसान की तिथि
पेट्रोलियम रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग)	1. खल्लाई	893	1-4-78	21-3-80
	2. अगसराई	893	1-4-78	21-3-80
		3708	10-11-79	
	3. लीडी	893	1-4-78	22-3-80
	4. बिहर्काचियावास	893	1-4-78	22-3-80
	5. अन्तारी	893	1-4-78	22-3-80
	6. बनेबडा	893	1-4-78	2-4-80
	7. राजवा का बाडिया	893	1-4-78	3-4-80
	8. बाघसुरी	893	1-4-78	3-4-80
	9. हुबानिया	893	1-4-78	3-4-80
	10. मोतीपुरा	893	1-4-78	4-4-80
	11. थाट	893	1-4-78	8-4-80
	12. जगपुरा	893	1-4-78	4-4-80
	13. धोला दोंता	893	1-4-78	8-4-80
	14. बैराटू	893	1-4-78	10-4-80
		3710	10-11-79	
	15. लोहारबाडा	893	1-4-78	10-4-80
	16. सनोद	893	1-4-78	10-4-80
	17. रामसर	893	1-4-76	11-4-80
	18. मावसिया	893	1-4-78	3-3-80
			तथा	
		3708	10-11-79	9-3-80
	19. सुरजपुरा	893	1-4-78	3-3-80
		3708	10-11-79	
	20. नेपोली	893	1-4-78	3-3-80

[सं० 12020/12/80-प्र० II]

नरेन्द्र सिंह, सक्षम प्राधिकारी, राजस्थान स्टेट

S. O. 2063—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, the Right of User has been acquired in the lands specified in the schedule appended thereto for the Indian Oil Corporation Limited for the transport of petroleum from Salaya in Gujarat State to Mathura in Uttar Pradesh;

And whereas the Indian Oil Corporation Limited has terminated the operation referred to in clause(i) of sub-section (1) of section 7 of the said Act on the date shown against the name of village in the schedule;

Now, therefore, under rule 4 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Rules, 1963, the Competent Authority hereby notifies the said date as the date of termination of the said operation.

SCHEDULE

Termination of Operation of Pipeline from Salaya to Mathura

Tehsil : Ajmer	District : Ajmer	State : Rajasthan		
Name of the Ministry	Name of the Village	S. O. No.	Date of Publication in the Gazette of India	Date of Termination
Petroleum, Chemicals & Fertiliser (Department of Petroleum)	1 Rudilai	893	1-4-78	21-3-80
	2 Amargarh	893	1-4-78	21-3-80
		3708	10-11-79	
	3 Leeri	893	1-4-78	22-3-80
	4 Bidakchiyawas	893	1-4-78	22-3-80
	5 Ansari	893	1-4-78	22-3-80
	6 Beneora	893	1-4-80	2-4-80
	7 Ajba Ka Bariya	893	1-4-78	3-4-80
	8 Baghsui	393	1-4-78	3-4-80
	9 Lubaniya	893	1-4-78	3-4-80
	10 Motipura	893	1-4-78	4-4-80
	11 Chat	893	1-4-78	8-4-80
	12 Jagpura	893	1-4-78	4-4-80
	13 Dholadante	893	1-4-78	8-4-80
	14 Derathoo	893	1-4-78	10-4-80
		3710	10-11-79	
	15 Loharwara	893	1-4-78	10-4-80
	16 Sanod	893	1-4-78	10-4-80
	17 Ramsar	893	1-4-78	11-4-80
	18 Maoslya	893	1-4-78	3-3-80 &
		3708	10-11-79	9-3-80
	19 Surajpura	893	1-4-78	3-3-80
		3708	10-11-79	—
	20 Nepoli	893	1-4-78	3-3-80

[No. 12020/12/80-Prod. II]

NARENDRA SINGH,
Competent Authority,
Rajasthan State

ऊर्जा मंत्रालय

(विद्युत विभाग)

नई दिल्ली, 26 जून, 1980

क्र.सं. 2064—केन्द्रीय सरकार, भारतीय विद्युत अधिनियम, 1910 (1910 का 9) की धारा 36 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार, सिविल और विद्युत मंत्रालय की अधिसूचना सं. ई.एल. II 3/3/63, दिनांक 23 सितम्बर, 1968 के अधिक्रमण में, निदेशक (वाणिज्यिक), केन्द्रीय विद्युत प्राधिकरण को संघ राज्य क्षेत्र गोवा, दमन और दीव के संबंध में केन्द्रीय विद्युत निरीक्षक नियुक्त करती है।

[सं. 25/1/80-डेस्क-I]

ई.ए.एस. शर्मा, निदेशक

MINISTRY OF ENERGY

(Department of Power)

New Delhi, the 26th June, 1980

S. O. 2064—In exercise of the power conferred by sub-section (1) of section 36 of the Indian Electricity Act; 1910 (9 of 1910) the Central Government, in supersession of Government of India, Ministry of Irrigation and Power, Notification No. EL-II-3/3/63, dated the 23rd September, 1968, hereby appoints the Director (Commercial) Central Electricity Authority to be the Central Electrical Inspector in respect of the Union Territory of Goa, Daman and Diu.

[No. 25/1/80-Desk-I]

E. A. S. SHARMA, Director

नई दिल्ली, 28 जुलाई, 1980

का०प्रा० 2065:—भारतीय विद्युत नियम, 1956 के नियम 5 के साथ पठित नियम 4 के द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार, ऊर्जा मंत्रालय, विद्युत विभाग की अधिसूचना सं० 37/24/78-डेस्क-1, दिनांक 25 अक्टूबर, 1978 का अधिग्रहण करते हुए केन्द्रीय सरकार, एतद्वारा केन्द्रीय विद्युत प्राधिकरण के निम्नलिखित अधिकारियों को, भारतीय विद्युत अधिनियम, 1910 (1910 का 9) की धारा 36 के अन्तर्गत नियुक्त किए गए केन्द्रीय विद्युत निरीक्षक की सहायता करने वाले अधिकारी के रूप में नियुक्त करती है, नाम—

क्र०सं०	अधिकारी का नाम	पदनाम
1.	श्री सी०एल० दुग्गल	उप निदेशक
2.	श्री एच०एस० साम्मी	सहायक निदेशक
3.	श्री रवीन्द्र पाल	अतिरिक्त सहायक निदेशक
4.	श्री के०सी० बजा	अतिरिक्त सहायक निदेशक
5.	श्री बी०एम० रेड्डी	उप निदेशक
6.	श्री एन० रामालिंगम	सहायक निदेशक
7.	श्री एस० श्रीनिवासन	अतिरिक्त सहायक निदेशक
8.	श्री जे०एम० लाल	उप निदेशक
9.	श्री एम०एम० घोष	अतिरिक्त सहायक निदेशक
10.	श्री एम०पी० भोगडे	उप निदेशक
11.	श्री बी०पी०एस० फौजदार	अतिरिक्त सहायक निदेशक

[सं० 37/24/78-डेस्क 1]

कमलाकर मिश्र, संयुक्त सचिव

New Delhi, the 28th July, 1980

S. O. 2065.—In exercise of power conferred by Rule 4A read with the Rule 5 of the Indian Electricity Rules, 1956 and in supersession of Government of India, Ministry of Energy (Department of Power) Notification No. 37/24/78-Desk-I, dated the 25th October, 1978, the Central Government hereby appoints the following officers of the Central Electricity Authority to be the officers to assist the Central

Electrical Inspector appointed under Section 36 of Indian Electricity Act, 1910 (9 of 1910), namely:—

Sl. No.	Name of Officer	Designation
1.	Shri C.L. Duggal	Deputy Director
2.	Shri H.S. Sammi	Assistant Director
3.	Shri Ravindra Paul	Extra Assistant Director
4.	Shri K.C. Batra	Extra Assistant Director
5.	Shri B.M. Reddy	Deputy Director
6.	Shri N. Ramalingam	Assistant Director
7.	Shri S. Srinivasan	Extra Assistant Director
8.	Shri J. M. Lall	Deputy Director
9.	Shri S.S. Ghosh	Extra Assistant Director
10.	Shri S.P. Ghongade	Deputy Director
11.	Shri B.P.S. Faujdar	Extra Assistant Director

[F. No. 25/6/80-Desk-I]

KAMALAKAR MISHRA, Jt. Secy.

(कोयला विभाग)

नई दिल्ली, 30 जुलाई, 1980

का०प्रा० 2066:—कोयला खान (राष्ट्रीयकरण) अधिनियम, 1973 (1973 का 26) की धारा 17 की उपधारा (2) के अधीन प्रवृत्त शक्तियों का उपयोग करते हुए केन्द्र सरकार ने दिनांक 15 नवम्बर, 1978 के पूर्वाह्न से 31 मार्च, 1980 (अग्रराह्न) तक के लिए श्री एन०के० भिमटो को सहायक भुगतान प्राधिकृत के पद पर नियुक्त किया है।

[सं० 11023/12/78-सी०ए०]

टी०सी०ए० श्रीनिवासन, उ० सचिव

(Department of Coal)

New Delhi, the 30th July, 1980

S. O. 2066.—In exercise of the power conferred under Sub-section (2) of Section 17 of the Coal Mines (Nationalisation) Act, 1973 (26 of 1973), the Central Government has appointed Shri N.K. Bhimto as Assistant Commissioner of Payments, with effect from the forenoon of the 15th November, 1978 to 31st March, 1980 (A.N.)

[No. 11023/12/78-CA.]

T.C.A. SRINIVASAN, Dy. Secy.

नई दिल्ली, 4 अगस्त, 1980

का०प्रा० 2067:—केन्द्रीय सरकार को यह प्रतीत होता है कि इसमें उपाध्व अनुसूची में उल्लिखित भूमि में कोयला अधिप्राप्त किए जाने की सम्भावना है;

अतः, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कोयले का पूर्वक्षण करने के अपने प्राणय की सूचना देती है;

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक का निरीक्षण उपायुक्त, शुम्का (बिहार) अथवा कोयला नियंत्रक का कार्यालय, 1 काउन्सिल हाउस स्ट्रीट, कलकत्ता अथवा निदेशक (निर्गमित योजना और परियोजना), ईस्टर्न कोलफील्ड्स लिमिटेड, सेंटोरिया, डाकघर बिधौराड, जिला बर्दवान (पश्चिम बंगाल) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अधीन आने वाली भूमि में हितबद्ध सभी व्यक्ति, उक्त अधिनियम की धारा 13 की उपधारा (7) से निविष्ट सभी तथ्यों, बातों और अन्य दस्तावेजों को, कोयला धारक क्षेत्र (अर्जन और विकास) नियम, 1957 के नियम 5 की अपेक्षानुसार इस अधिसूचना के राजपत्र में प्रकाशन को तारीख से 90 दिन के भीतर निदेशक (निर्गमित योजना और परियोजना), ईस्टर्न कोलफील्ड्स लिमिटेड, सेंटोरिया को भेजेंगे।

अनुसूची

ब्लॉक 'ग'

राजमहल कोलकोल्ड

आरेखन सं० एल-घार/1904

तारीख 15-3-1980

(जिसमें पूर्वक्षेत्र के लिए अधिसूचित भूमि दर्जित की गई है)

क्रम सं०	मोजा (ग्राम)	थाना सं०	थाना	जिला	क्षेत्रफल (एकड़)	टिप्पण
1.	जटाकुटी	28	बोभारिजोर (बंगलो सिमरा-1)	सथास परगना		भाग
2.	बागजोरी	29	यथोक्त	यथोक्त		यथोक्त
3.	चितरकोटी	38	यथोक्त	यथोक्त		यथोक्त
4.	तेलगामा	39	यथोक्त	यथोक्त		यथोक्त
5.	दौरी घाट तेलगामा	40	यथोक्त	यथोक्त		यथोक्त
6.	रामबन्धुर	546	महागामा	यथोक्त		पूर्ण
7.	घाट जगन्नाथपुर	547	यथोक्त	यथोक्त		यथोक्त
8.	जगन्नाथपुर मय	548	यथोक्त	यथोक्त		यथोक्त
9.	जियाजोरी	549	यथोक्त	यथोक्त		यथोक्त
10.	जटाकुटी	551	यथोक्त	यथोक्त		यथोक्त
11.	बागजोरी	552	यथोक्त	यथोक्त		भाग
12.	डरलाधारिह्यर	553	यथोक्त	यथोक्त		पूर्ण
13.	बालाजोनी	554	यथोक्त	यथोक्त		भाग
14.	घाट जगतपुर	555	यथोक्त	यथोक्त		पूर्ण
15.	चान्द धाक घाट	556	यथोक्त	यथोक्त		यथोक्त
16.	धाम बन्धुर	557	यथोक्त	यथोक्त		यथोक्त
17.	मस्कन्दकुवा	566	यथोक्त	यथोक्त		पूर्ण
18.	महागामा	700	यथोक्त	यथोक्त		भाग
19.	गरबाघाट	702	यथोक्त	यथोक्त		भाग
20.	गरबाकिटा	703	यथोक्त	यथोक्त		यथोक्त
					कुल क्षेत्रफल : 130.60 एकड़ (लगभग)	
					या 528.40 हेक्टर (लगभग)	

सीमा वर्णन :

- क-ख रेखा मोजा महागामा, मस्कन्द कुवा की पश्चिमी सीमा, फिर महागामा, चान्द चक्रघाट, रामबन्धुर, रामबन्धुर और जियाजोरी के साथ साथ जाती है और बिन्दु "ख" पर मिलती है।
- ख-ग रेखा मोजा जियाजोरी की उत्तरी सीमा के साथ-साथ जाती है और बिन्दु "ग" पर मिलती है।
- ग-घ रेखा मोजा जटाकुटी (551) और जटाकुटी (28) की पश्चिमी सीमा के साथ साथ जाती है और बिन्दु "घ" पर मिलती है।
- घ-ङ रेखा मोजा जटाकुटी (28) और तेलगामा की उत्तरी सीमा के साथ साथ जाती है और बिन्दु "ङ" पर मिलती है।
- ङ-च रेखा मोजा तेलगामा की पूर्वी सीमा के साथ साथ जाकर और बिन्दु "च", राजमहल ब्लॉक "ख" की सीमा पर मिलती है।
- च-क रेखा मोजा तेलगामा, दौरी घाट तेलगामा, फिर तेलगामा तक चितरकोटी, जटाकुटी, बागजोरी (29) बागजोरी (552), बालाजोनी, गरबा-किटा, गरबाघाट और महागामा से होकर जाती है और राजमहल ब्लॉक की सीमा पर आरम्भिक बिन्दु "क" पर मिलती है। यह राज-महल ब्लॉक "ख" और ब्लॉक "ग" के बीच माथी सीमा भी है।

अनुसूची

ब्लॉक "घ"

राजमहल कोलकोल्ड

आरेखन सं० एल घार/1904

तारीख 15-3-80

(जिसमें पूर्वक्षेत्र के लिए अधिसूचित भूमि दर्जित की गई है)

क्रम सं०	मोजा (ग्राम)	थाना सं०	थाना	जिला	क्षेत्रफल (एकड़)	टिप्पण
1.	तेलगामा	39	बोभारिजोर बंगलो (सिमरा 1)	सथास परगना		भाग
2.	सीमाकवा	41	यथोक्त	यथोक्त		यथोक्त
3.	दरगाहना	44	यथोक्त	यथोक्त		यथोक्त

1	2	3	4	5	6	7
4.	लोहण्डिया	45	बोअरिजोर बंगलो (सिमरा 1)	संथाल परगना		भाग
5.	रानीडीह	53	यथोक्त	यथोक्त		यथोक्त
6.	छोटा सहरपुर (हिल ब्लाक)	7165	यथोक्त	यथोक्त		यथोक्त
				कुल क्षेत्रफल :	920 एकड़ (लगभग)	
				या	372.30 हेक्टर (लगभग)	

सीमा-वर्णन :

- ब-छ रेखा मौजा छोटा सहरपुर (हिल ब्लाक) में से होकर तब कुममा की दक्षिणी और पूर्वी सीमा के साथ साथ जाती है, और बिन्दु "छ" पर मिलती है।
- छ-ज रेखा मौजा छोटा सहरपुर (हिल ब्लाक) में से होकर तथा रानीडीह की उत्तरी सीमा के साथ साथ जाती है और बिन्दु "ज" पर मिलती है।
- ज-झ रेखा मौजा रानीडीह की पूर्वी और दक्षिणी सीमा के साथ साथ जाती है और राजमहल ब्लाक "क" की उत्तरी सीमा पर बिन्दु "झ" पर मिलती है।
- झ-ञ रेखा मौजा रानीडीह, लोहण्डिया और डकाइटा में से होकर जाती है और बिन्दु "ञ" पर मिलती है। यह राजमहल ब्लाक "क" और "ब" के बीच साझी सीमा भी है।
- ब-च रेखा मौजा डकाइटा, नीमकलन और तेलगामा में से होकर जाती है और आरम्भिक बिन्दु "ब" पर मिलती है। यह राजमहल ब्लाक "ब" और ब्लाक "घ" के बीच साझी सीमा भी है।

[सं० 19(17)/80-सी०एल०]

श्रीमति के० सुद, निदेशक

(Department of Coal)

New Delhi, the 4th August, 1980

S. O. 2067 :—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan of the area covered by this notification may be inspected in the office of the Deputy Commissioner, Dumka (Bihar) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the Director (Corporate Planning and Projects), Eastern Coalfields Limited, Sanctoria, Post Office Dishergarh, District Burdwan (West Bengal).

Any person interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Director (Corporate Planning and Projects), Eastern Coalfields Ltd., Sanctoria, within ninety days from the date of the publication of this notification in the Gazette of India, as required by rule 5 of the Coal Bearing Areas (Acquisition and Development) Rules, 1957.

SCHEDULE

BLOCK—'C'

RAJMAHAL COALFIELD

Drawing No. LR/1904

Dated : 15-3-1980

(showing lands notified for prospecting)

Sl. No.	Mouza (Village)	Thana Number	Police Station (Thana)	District	Area in Acres	Remarks
1	2	3	4	5	6	7
1.	Jatakuti	28	Boarijor (Bungalow Simra-I)	Santhal Pargana		Part
2.	Bagjori	29	-do-	-do-		-do-
3.	Chitarkoti	38	-do-	-do-		-do-
4.	Telgama	39	-do-	-do-		-do-
5.	Duarighat Telgama	40	-do-	-do-		-do-
6.	Ram Chandarpur	546	Mahagama	-do-		Full
7.	Ghat Jagnathpur	547	-do-	-do-		-do-
8.	Jagnathpur Mal	548	-do-	-do-		-do-
9.	Jiajori	549	-do-	-do-		-do-
10.	Jatakuti	551	-do-	-do-		-do-
11.	Bagjori	552	-do-	-do-		Part
12.	Harlabahar	553	-do-	-do-		Full
13.	Balachini	554	-do-	-do-		Part
14.	Ghat Jagatpur	555	-do-	-do-		Full
15.	Chand Chak Ghat	556	-do-	-do-		-do-
16.	Bom Chandarpur	557	-do-	-do-		-do-

1	2	3	4	5	6	7
17. Maskand Kachua	.	566	Mahagama	Santhal Pargana		Full
18. Mahagama	.	700	-do-	-do-		Part
19. Garbaghat	.	702	-do-	-do-		-do-
20. Garbakita	.	703	-do-	-do-		-do-
Total Area					1305.60 acres	
					(approximately)	
					or	
					528.40 hectares	
					(approximately)	

BOUNDARY DESCRIPTION :

- A-B Line passes along the western boundary of mouzas Mahagama, Maskand Kachua, again Mahagama, Chand Chakghat, Bomchandarpur, Ramchandarpur and Jiajori and meets at point 'B'.
- B-C Line passes along the northern boundary of mouza Jiajori and meets at point 'C'.
- C-D Line passes along the western boundary of mouza Jatakuti (551) and Jatakuti (28) and meets at point 'D'.
- D-E Line passes along the northern boundary of mouza Jatakuti (28) and Telgama and meets at point 'E'.
- E-F Line passes along the eastern boundary of mouza Telgama and meets at point 'F', on the boundary of Rajmahal Block—'B'.
- F-A Line passes through mouzas Telgama, Duraighat Telgama, again Telgama, then through Chitarkoti, Jatakuti, Bagjori (29), Bagjori (552), Balachini, Gorbakita, Garbaghat and Mahagama and meets at the starting point 'A' on the boundary of Rajmahal Block 'B'. This is also a common boundary between Rajmahal Block 'B' & Block 'C'.

SCHEDULE

BLOCK—D

RAJMAHAL COALFIELD

Drawing No. LR/1904

Dated : 15-3-1980

(showing lands notified for prospecting)

Sl. No.	Mouza (Village)	Thana Number	Police Station (Thana)	District	Area in Acres	Remarks
1.	Telgama	39	Boarijor (Bungalow Simra-I)	Santhal Pargana		Part
2.	Nima Kalan	41	-do- -do-	-do-		-do-
3.	Dakaita	44	-do- -do-	-do-		-do-
4.	Lohandiya	45	-do- -do-	-do-		-do-
5.	Ranidih	53	-do- -do-	-do-		-do-
6.	Chhota Saharpur (Hill Block)	7/65	-do- -do-	-do-		-do-

Total Area : 920 acres
(approximately)
or
372.30 hectares
(approximately)

BOUNDARY DESCRIPTION :

- F-G Line passes through mouza Chhota Saharpur (Hill Block), then along the southern and eastern boundary of Kusma and meets at point 'G'.
- G-H Line passes through mouza Chhota Saharpur (Hill Block) and along the northern boundary of Ranidih and meets at point 'H'.
- H-I Line passes along the eastern and southern boundary of mouza Ranidih and meets at point 'I' on the northern boundary of Rajmahal Block 'A'.
- I-J Line passes through mouzas Ranidih, Lohandiya and Dakaita and meets at point 'J'. This is also a common boundary between Rajmahal Block 'A' and Block 'D'.
- J-F Line passes through mouzas Dakaita, Nimakalan and Telgama and meets at the starting point 'F'. This is also a common boundary between Rajmahal Block 'B' and Block 'D'.

[No. 19(17)/80-CL]

SMT. K. SOOD, Director.

स्वास्थ्य और परिवार कल्याण मंत्रालय
(स्वास्थ्य विभाग)

नई दिल्ली, 31 जुलाई, 1980

क्र०आ० 2068:—केन्द्रीय सरकार स्वास्थ्य योजना (मद्रास) नियमावली, 1975 के नियम एक के उपनियम (3) के अनुसरण में केन्द्रीय सरकार एनड्यार मद्रास में निम्नलिखित और क्षेत्रों का निर्दिष्ट करती है जिनमें उक्त नियम 1 अगस्त, 1980 से लागू होंगे :—

आड्यार औषधालय

उत्तर में आड्यार नदी और गांधी मंडप रोड के संगम से नदी के साथ-साथ पूर्व की ओर समुद्र तट के संगम तक चले, वहां से समुद्र तट के साथ-साथ दक्षिण की ओर शहरी सीमा (नयी) के संगम तक चले (स्पष्ट सड़क के अभाव में इसमें मद्रास-41 थिरुवनमियूर का इलाक़ीय क्षेत्र शामिल है), फिर शहरी सीमाओं के साथ-साथ पश्चिम की ओर दक्षिण नहर के संगम तक चले, वहां से उत्तर की ओर नहर के साथ-साथ चलकर थारामणि रोड के साथ-साथ आई०आई०टी० कैम्पस (अर्थात् पिल्लपट्टु रोड) की पूर्वी दीवार के संगम तक चले, दीवार के साथ-साथ उत्तर की ओर सरदार पटेल रोड (इससे पूर्व इलियट्स बीट रोड) के संगम तक चले, वहां से पश्चिम की ओर सरदार पटेल रोड के साथ-साथ इसके गांधी मंडपम रोड के साथ संगम तक चले, फिर उत्तर की ओर गांधी मंडपम रोड के साथ-साथ कोट्टपुरम होकर (इसमें कोट्टपुरम और कट्टूर का सम्पूर्ण डाक क्षेत्र आ जाता है) उस स्थान पर पहुंचे जहां से चले थे।

[मं० एस० 11026/3/79-के०स०स्वा०या० (डिस्क-1)]

सत्यपाल गोस्वामी, अध्वर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 31st July, 1980

S.O. 2068.—In pursuance of sub-rule (3) of rule 1 of the Central Government Health Scheme (Madras)

Rules, 1975, the Central Government hereby specifies the following further areas in Madras to which the said rules shall extend, with effect from the 1st August, 1980.

Adyar Dispensary

On the north, starting from the junction of Adyar river and Gandhi Mandapam Road, proceed east along the river up to its junction with sea-coast; proceed south along the sea coast upto its junction with (new) city limits (in the absence of clear road, this includes the postal zone of Madras-41 Thiruvannamiyur); proceed west along the city limits upto its junction with Buckingham Canal; proceed north along the canal abutting the road on the western side upto Tharamani Road, proceed west along Tharamani Road upto its junction with the eastern wall of IIT Campus (i.e. Pallipattu Village Road); proceed north along the wall upto its junction with Sardar Patel Road (formerly Elliotts Beach Road) proceed west along Sardar Patel Road upto its junction at Gandhi Mandapam Road; proceed north along the Gandhi Mandapam Road that runs through Kotturpuram (to cover entire Kotturpuram and Kottur postal zones) to reach the starting point.

[No. S. 11026/3/79-CGHS (Desk-I)]

S. P. GOSWAMI, Under Secy.

कृषि और सिंचाई मंत्रालय

(खाद्य विभाग)

आदेश

नई दिल्ली, 31 जुलाई, 1980

क्र०आ० 2069 :—अतः केन्द्रीय सरकार ने खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपाधि निदेशालयों और खाद्य विभाग के वेतन तथा लेखा कार्यालयों द्वारा किए जाने वाले खाद्यान्नों के कृषि, भण्डारकरण, मंचन, परिवहन, वितरण तथा विक्रय के कृत्यों का पालन करना बन्द कर दिया है जो कि खाद्य निगम अधिनियम, 1964 (1964 का 37) की धारा 13 के अधीन भारतीय खाद्य निगम के कृत्य हैं।

और यतः खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपाधि निदेशालयों और खाद्य विभाग के वेतन तथा लेखा कार्यालयों से कार्य कर रहे और उपरि-वर्णित कृत्यों के पालन में लगे निम्नलिखित अधिकारियों और कर्मचारियों ने केन्द्रीय सरकार के तारीख 16 अप्रैल, 1971 के परिपत्र के प्रत्युत्तर में उसमें निर्दिष्ट तारीख के अन्दर भारतीय खाद्य निगम के कर्मचारी न बनने के अपने प्राण्य को उक्त अधिनियम की धारा 12ए की धारा (1) के परन्तु द्वारा यथा अपेक्षित सूचना नहीं दी है।

अतः अब खाद्य निगम अधिनियम, 1964 (1964 का 37) यथा अधिनियम संशोधित की धारा 12ए द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एनड्यार निम्नलिखित कर्मचारियों को प्रत्येक के मामले दी गई तारीख से भारतीय खाद्य निगम में स्थानान्तरित करती है :—

क्रम सं०	अधिकारी/कर्मचारियों का नाम	केन्द्रीय सरकार के अधीन स्थायी पद	स्थानान्तरण के समय केन्द्रीय सरकार के अधीन पद	भारतीय खाद्य निगम को स्थानान्तरण की तारीख
1	2	3	4	5
1.	श्री गोपाल सुपुत्र श्री राम दीन	वाचमैन	वाचमैन	1-3-69
2.	श्री बुधू सुपुत्र श्री नागेश्वर	स्टीचर	स्टीचर	1-3-69
3.	श्री हरी कृष्ण शर्मा सुपुत्र श्री मुरत सिंह	—	कनिष्ठ गोदाम रक्षक	1-3-69
4.	श्री साधु सिंह सुपुत्र श्री ईश्वर सिंह	—	वाचमैन	1-3-69
5.	श्री साधु सिंह सुपुत्र श्री रजन सिंह	—	वाचमैन	1-3-69
6.	श्री ईश्वर सिंह सुपुत्र श्री राम स्वल्प	गोदाम लिपिक	कनिष्ठ गोदाम रक्षक	1-3-69

[संख्या 52/1/79-एफ०सी० III बाल्यूम-6]

एस० एल० कम्बोह, अध्वर सचिव

MINISTRY OF AGRICULTURE

(Department of Food)

ORDER

New Delhi, the 31st July, 1980

S.O. 2069:—Whereas the Central Government has ceased to perform the functions of purchase, storage, movement, transport, distribution and sale of foodgrains done by the Department of Food, the Regional Directorates of Food, the procurement Directors and the Pay & Accounts Offices of the Department of Food which under Section 13 of Food Corporations Act, 1964 (37 of 1964) are the functions of the Food Corporation of India;

And Whereas the following officers and employees serving in the Department of Food, the Regional Directorate of Food, the procurement Directorates and the Pay & Accounts offices of the Department of Food and engaged in the performance of the functions mentioned above have not in response to the circular of the Central Government dated the 16th April, 1971 intimated, within the date specified therein, their intention of not becoming employees of the Food Corporation of India as required by the proviso to sub-Section (1) of Section 12A of the said Act;

Now, Therefore, in exercise of the powers conferred by Section 12A of the Food Corporations Act, 1964 (37 of 1964) as amended upto the date the Central Government hereby transfer the following officers and employees to the Food Corporation of India with effect from the date mentioned against each of them.

S. No.	Name of the Officer/employees	Permanent post held under the Central Govt.	Post held under the Central Govt. at the time of transfer	Date of transfer to FCI
1	2	3	4	5
1.	Shri Gopal S/O Shri Ram Dhin	Watchman	Watchman	1-3-69
2.	Shri Budhoo S/O Shri Nagcshwar	Stitcher	Stitcher	1-3-69
3.	Shri Hari Kishan Sharma S/O Sh. Surat Singh	—	Jr. Godown Keeper	1-3-69
4.	Shri Sadhu Singh S/O Shri Ishar Singh	—	Watchman	1-3-69
5.	Shri Sadhu Singh S/O Shri Rachan Singh	—	Watchman	1-3-69
6.	Shri Ishwar Singh S/O Shri Ram Saroop	Godown Clerk	Jr. Godown Keeper	1-3-69

[No. 52/1/79-FC. III (Vol.-VD)]

S. L. KAMBOH, Under Secy.

समाज कल्याण मंत्रालय

नई दिल्ली, 10 जुलाई, 1980

क्र.सं. 2070.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजन के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में निम्नलिखित कार्यालयों को जिनके कर्मचारीबन्ध ने हिन्दी का कार्य-साधक ज्ञान प्राप्त कर लिया, अधिभूचित करती है :—

- (1) राष्ट्रीय दृष्टिबाधितार्थ संस्थान, राजपुर रोड, देहरादून।
- (2) राष्ट्रीय समाज रक्षा संस्थान, आर.के. पुरम, नई दिल्ली।
- (3) मानसिक रूप से अधिकांश बच्चों का माडल स्कूल, लाजपत नगर, नई दिल्ली।
- (4) केन्द्रीय समाज कल्याण बोर्ड, संसद मार्ग, नई दिल्ली।
- (5) बिकलांगों के लिए संस्थान, विष्णु दिगम्बर मार्ग, नई दिल्ली।
- (6) राष्ट्रीय जन सहयोग एवं बाल विकास संस्थान, हाजिबास, नई दिल्ली।
- (7) प्रौढ़ बधिर प्रशिक्षण केन्द्र, माधक पेट, हैदराबाद।
- (8) आंशिक बधिर बच्चों का विद्यालय, बाजार घाट, हैदराबाद।

[सं. ई. 11011-6/79-हिन्दी]

अरुण शर्मा, लेखा नियंत्रक

MINISTRY OF SOCIAL WELFARE

New Delhi, the 10 July, 1980

S. O. 2070.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the Ministry of Social Welfare whose staff has acquired a working knowledge of Hindi:—

- (1) National Institute for Visually Handicapped, Rajpur Road, Dehradun.
- (2) National Institute for Social Defence, R.K. Puram, New Delhi.
- (3) Model School for Mentally Deficient Children, Lajpat Nagar, New Delhi.
- (4) Central Social Welfare Board, Sansad Marg, New Delhi.
- (5) Institute for Physically Handicapped, Vishnu Digambar Marg, New Delhi.
- (6) National Institute for Public Cooperation and Child Development, Hauz Khas, New Delhi.

- (7) Training Centre for Adult Deaf, Malakpet, Hyderabad.
- (8) School for Partially Deaf Children, Bazar Ghat, Hyderabad.

[No. E. 11011-6/79-Hindi]

ARUN SHARMA, Controller of Accounts

नई दिल्ली, 28 जुलाई, 1980

का०प्र० 2071.—केन्द्रीय सरकार, पूर्ण विन्यास अधिनियम, 1890 (1890 का 6) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और राष्ट्रीय बाल निधि प्रबंध बोर्ड द्वारा दिए गए भावेदन पर भारत सरकार के भूतपूर्व समाज कल्याण विभाग का अधिसूचना सं० का०प्र० 120 (प्र०), तारीख 2 मार्च, 1979 का निम्नलिखित संशोधन करती है, अर्थात् :—

1. उक्त अधिसूचना की अनुसूची 'ख' में,—

(क) पैरा 1 की मद (i) में, "विद्यालय पूर्व आयु के बालकों का पुनर्वास भी है," शब्दों के पश्चात्, "और अन्तर्राष्ट्रीय बाल वर्ष के लिए राष्ट्रीय कार्य योजना में परिकल्पित अन्य कार्यक्रम को," शब्द रखे जाएंगे :

(ख) पैरा 3 में—

(i) मद (क) में, "केन्द्रीय शिक्षा और समाज कल्याण मंत्री" शब्दों के स्थान पर "केन्द्रीय समाज कल्याण का भारसाधक मंत्री" शब्द रखे जाएंगे ।

(ii) मद (ख) में, "केन्द्रीय शिक्षा और समाज कल्याण राज्य मंत्री" शब्दों के स्थान पर "केन्द्रीय समाज कल्याण का भारसाधक राज्य मंत्री" शब्द रखे जाएंगे ।

(iii) मद (क), (ख), (घ) और (ज) और उनसे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित मद और "प्रविष्टियां रखी जाएंगी ।" अर्थात्—

"(क) संयुक्त सचिव (पोषण और बाल विकास), समाज कल्याण मंत्रालय, भारत सरकार—सदस्य ।

(ख) अध्यक्ष, केन्द्रीय समाज कल्याण बोर्ड, नई दिल्ली—सदस्य ।

(घ) छह अशासकीय सदस्य, जिन्हें अध्यक्ष नामनिर्दिष्ट करेगा—सदस्य ।

(ज) प्रत्येक राज्य समिति और संघ राज्य क्षेत्र समिति का एक-एक प्रतिनिधि जिन्हें प्रत्येक ऐसी समिति का अध्यक्ष नामनिर्दिष्ट करेगा—सदस्य ।

(झ) निदेशक, राष्ट्रीय जन सहयोग और बाल विकास संस्थान—सचिव कोषपाल" ।

(ग) पैरा 6 के स्थान पर निम्नलिखित पैरा रखा जाएगा, अर्थात् :—

"6. इसमें अन्तर्निष्ठ उपबन्धों के अधीन रहते हुए, बोर्ड, अपने कार्य के संचालन के लिए केन्द्रीय सरकार के पूर्वानुमोदन से समय-समय पर उप-विधि बना सकेगा और उसमें ऐसे परिवर्तन कर सकेगा जो बहू ठीक समझे ।"

(घ) पैरा 8 में 'नियम' शब्द के स्थान पर 'उप-विधि' शब्द रखा जाएगा;

(ङ) पैरा 9 और 10 के स्थान पर, निम्नलिखित पैरे रखे जाएंगे, अर्थात् :—

"9. राज्य समितियों और संघ राज्य क्षेत्र समितियों की नियुक्ति—बोर्ड, इस स्कीम के प्रयोजनों को कार्यान्वित करने के लिए, प्रत्येक राज्य और प्रत्येक संघ राज्य क्षेत्र के लिए समिति नियुक्त कर सकेगा जिसे यथास्थिति, राज्य समिति या संघ राज्य क्षेत्र समिति कहा जाएगा ।

10. शक्तियों का प्रत्यायोगन—बोर्ड, अपनी कोई भी शक्ति किसी राज्य समिति या संघ राज्य क्षेत्र समिति या ऐसी समितियों के किसी एक या अधिक सदस्यों को प्रत्यायोजित कर सकेगा ।"

(च) पैरा 14 के पश्चात् निम्नलिखित पैरे अन्तःस्थापित किए जाएंगे, अर्थात् :—

"15. निधि का वितरण—किसी राज्य या संघ राज्य क्षेत्र में, यथास्थिति, राज्य समिति या संघ राज्य क्षेत्र समिति द्वारा किसी वित्तीय वर्ष में निधि के लिए किया गया संग्रहण, ऐसी समिति और बोर्ड के बीच, बोर्ड द्वारा इस निमित्त विनिर्दिष्ट की गई तारीख से, क्रमशः 90:10 के अनुपात में वितरित किया जाएगा ।

16. वित्तीय सहायता के लिए पात्रता—किसी भी ऐसे स्वीच्छक संगठन को, जिसकी बाल कल्याण के क्षेत्र में सेवा माली प्रकार से छान है, और जो इस स्कीम के निबन्धनों के अनुसार वित्तीय सहायता के लिए पात्र है, निधि से सहायता देने के लिए सामान्यतया अधिमान्यता दी जाएगी ।

17. बोर्ड को भावेदन—निधि के केन्द्रीय लेखा से वित्तीय सहायता के लिए, स्वीच्छक संगठन, इस संबंध में, उपायद्वय प्रारूप में, बोर्ड के सचिव कोषपाल को भावेदन करेगा ।

18. राज्य या संघ राज्य क्षेत्र समिति को भावेदन—किसी राज्य समिति या संघ राज्य क्षेत्र समिति द्वारा निर्धारित निधि के लेखा से वित्तीय सहायता के लिए, स्वीच्छक संगठन, इस निमित्त भावेदन उपायद्वय प्रारूप में, यथास्थिति, राज्य समिति या संघ राज्य क्षेत्र समिति, को करेगा ।

19. वित्तीय सहायता की परिसीमा—राष्ट्रीय या राज्य या जिला स्तर के किसी स्वीच्छक संगठन को वित्तीय सहायता प्रस्तावित कार्यक्रम की प्राक्कलित लागत के 90 प्रतिशत तक परिसीमित रहेगी और किसी भी वषा में एक लाख रुपये से अधिक नहीं होगी ।

20. वित्तीय सहायता की व्याप्ति—इस स्कीम के अधीन वित्तीय सहायता उन कार्यक्रमों तक जिन्हें विकासक्षम माना जाए, निर्बंधित रहेगी ।

21. वित्तीय सहायता के लिए पात्र कार्यक्रम—ऐसे कार्यक्रम, जो केन्द्रीय सरकार या किसी राज्य सरकार द्वारा चलाई जा रही किसी स्कीम के अधीन सहायता के लिए पात्र है, सामान्य परिस्थितियों में, इस स्कीम के अधीन किसी वित्तीय सहायता के लिए अर्ह नहीं होंगे ।

22. भावेदन पर विचार—बोर्ड, निधि के केन्द्रीय लेखा से वित्तीय सहायता के लिए प्राप्त सभी भावेदनों पर विचार करेगा और उन्हें निपटाएगा और यदि किसी कारणवश बोर्ड की बैठक शीघ्र नहीं होने वाली है तो इस प्रकार प्राप्त भावेदनों पर एक ऐसी समिति विचार कर सकेगी और उन का निपटारा करेगी जिसमें अध्यक्ष और बोर्ड के अध्यक्ष द्वारा नामनिर्दिष्ट बोर्ड के अन्य दो सदस्य होंगे :

परन्तु यह कि किसी ऐसे भावेदन पर इस प्रकार विचार करने से पूर्व, अध्यक्ष, यदि वह ऐसा करना आवश्यक

समझता है तो ऐसे आवेदन को संबद्ध राज्य सरकार या किसी अन्य निकाय को उस पर अपने विचार अभिव्यक्ति करने के लिए निर्दिष्ट कर सकेगा।

23. राज्य या संघ राज्य क्षेत्र समिति को किए गए आवेदन पर विचार : यथास्थिति, किसी राज्य समिति या संघ राज्य क्षेत्र समिति द्वारा नियंत्रित निधि के लेखा से वित्तीय सहायता के लिए किए गए सभी आवेदनों पर सम्बद्ध राज्य समिति या संघ राज्य क्षेत्र समिति विचार करेगी और उन्हें निपटाएगी और यदि किसी कारणवश ऐसी समिति की बैठक भी नहीं होने वाली है तो इस प्रकार प्राप्त आवेदनों पर सम्बद्ध राज्य समिति या संघ राज्य क्षेत्र समिति या अध्यक्ष विचार कर सकेगा और उन्हें निपटाएगा।
24. अनुदान रोक देने की शक्ति : यथास्थिति, बोर्ड का अध्यक्ष, या राज्य समिति का अध्यक्ष या संघ राज्य क्षेत्र समिति का अध्यक्ष, यदि वह ऐसा करना आवश्यक समझता है तो ऐसे कारणों से जो लेखबद्ध किए जाएंगे इस स्कीम के अधीन दिए गए किसी असंवितरित अनुदान को, चाहे वह आवर्ती प्रकृति का है या अनावर्ती प्रकृति का, रोक सकेगा या समाप्त कर सकेगा या कम कर सकेगा।
25. वित्तीय सहायता की शर्तें : निधि के केन्द्रीय लेखा से या, यथास्थिति, राज्य समिति या संघ राज्य क्षेत्र समिति द्वारा नियंत्रित निधि के लेखा से, किसी स्वीकृत संगठन को वित्तीय सहायता की शर्तें यह होंगी कि स्वीकृत संगठन सभी अनुदानों का पृथक् लेखा रखेगा, नियत समय के भीतर अनुदानों का पूर्ण हिसाब देगा, इस निमित्त विनिर्दिष्ट अवधि के भीतर उपयोग का प्रमाण पत्र देगा, नियत समय के भीतर प्राप्त अनुदानों का संपरीक्षित लेखा उपलब्ध कराएगा और ऐसे संगठन द्वारा निष्पादित कार्यक्रमों या इस निमित्त रखी गई भूमियों के निरीक्षण में, यथास्थिति, निधि के अधिकारियों या राज्य समिति या संघ राज्य क्षेत्र समिति के अधिकारियों की सहायता करेगा।
26. राज्य समिति की संरचना :—किसी राज्य समिति में निम्नलिखित होंगे :—
- (क) बाल कल्याण का भार साधक राज्य मंत्री —अध्यक्ष, पदेन ;
 - (ख) राज्य के वित्त विभाग का एक प्रतिनिधि—सदस्य
 - (ग) राज्य समिति के अध्यक्ष द्वारा नाम निर्दिष्ट छः व्यक्ति जिनमें से तीन बाल चिकित्सा, गृह विज्ञान, पोषण या सामाजिक कार्य के क्षेत्र से होंगे—सदस्य
 - (घ) बाल कल्याण का भार साधक निदेशक या राज्य में तत्स्थानी अधिकारी—सचिव कोषपाल।
27. संघ राज्य क्षेत्र समिति की संरचना—संघ राज्य क्षेत्र समिति में निम्नलिखित होंगे :—
- (क) संघ राज्य क्षेत्र का प्रशासक, उसका पदनाम चाहे जो भी हो —अध्यक्ष, पदेन
 - (ख) संघ राज्य क्षेत्र प्रशासन के वित्त विभाग का एक प्रतिनिधि सदस्य
 - (ग) संघ राज्य क्षेत्र समिति के अध्यक्ष द्वारा नाम निर्दिष्ट छः व्यक्ति, जिनमें से तीन बाल चिकित्सा, गृह विज्ञान, पोषण या सामाजिक कार्य के क्षेत्र से होंगे —सदस्य

(ख) बाल कल्याण का भार साधक निदेशक या संघ राज्य क्षेत्र में तत्स्थानी अधिकारी —सचिव, कोषपाल

28. राज्य या संघ राज्य क्षेत्र समिति के कृत्य :

- (1) यथास्थिति, राज्य समिति या संघ राज्य क्षेत्र समिति ऐसे कृत्यों का पालन और ऐसी शक्तियों का प्रयोग करेगी जो बोर्ड द्वारा उसे पर्यायोजित की जाएं।
- (2) इस स्कीम के उपबन्धों के अधीन रहते हुए, यथास्थिति, कोई भी राज्य समिति या संघ राज्य क्षेत्र समिति, के अपने कार्य के संचालन के लिए, बोर्ड के पूर्वानुमोदन समय-समय पर ऐसी उप विधियां बना सकेगी और उसमें ऐसे परिवर्तन कर सकेगी जो वह ठीक समझे।
- (3) ऐसी किसी समिति की बैठक के लिए गणपूर्ति उसके सदस्यों की बहुसंख्या से होगी।
- (4) ऐसी समिति की किसी बैठक में, प्रत्येक मामला उपस्थित और उस प्रश्न पर मत देने वाले सदस्यों के बहुमत से प्रभावित किया जाएगा और मत बराबर होने की वशा में बैठक के पीठासीन व्यक्ति का मत निर्णायक मत होगा।

2. उक्त अधिसूचना से उपाबद्ध नियमों में,

(क) शीर्षक राष्ट्रीय बाल-निधि नई दिल्ली के प्रशासन के लिए नियम, “केन्द्रीय सरकार” शब्द से प्रारम्भ होकर और नियम बनाती है, अर्थात्, शब्दों पर समाप्त होने वाले पैरा, संक्षिप्त नाम से संबंधित नियम 1, परिभाषाओं से संबंधित नियम 2 और निधि के लिए प्राधिकारी से संबंधित नियम 3 का लोप किया जाएगा :

(ख) नियम 4, 5, 6 और 7 को उक्त अधिसूचना की अनुसूची ‘ब’ के पैरा 29, 30, 31 और 32 के रूप में पुनःसंख्याकित किया जाएगा और इस प्रकार पुनः संख्याकित पैरा 29, 30, 31 और 32 में, बोर्ड शब्द जहाँ कहीं वह आता है, के स्थान पर, “यथास्थिति, बोर्ड या राज्य समिति या संघ राज्य क्षेत्र समिति” शब्द रखे जाएंगे—

(ग) नियम 8 और 9 को उक्त अधिसूचना की अनुसूची ‘ब’ के पैरा 33 और 34 के रूप में पुनःसंख्याकित किया जाएगा और इस प्रकार पुनःसंख्याकित पैरा 34 में, ‘बोर्ड’ शब्द के स्थान पर, ‘यथास्थिति, बोर्ड या राज्य समिति या संघ राज्य क्षेत्र समिति’ शब्द रखे जाएंगे; और ‘निधि’ शब्द के स्थान पर ‘इस स्कीम’ शब्द रखे जाएंगे।

(घ) नियम 10 को उक्त अधिसूचना की अनुसूची ‘ब’ के पैरा 35 के रूप में पुनःसंख्याकित किया जाएगा और इस प्रकार पुनः संख्याकित पैरा 35 को फिर उसके उप-पैरा के रूप में पुनःसंख्याकित किया जाएगा और इस प्रकार पुनःसंख्याकित उप पैरा (1) के पश्चात् निम्नलिखित उप पैरे अस्तित्वापित किए जाएंगे; अर्थात् :—

“(2) बोर्ड द्वारा, यथास्थिति, किसी राज्य समिति या संघ राज्य क्षेत्र समिति के व्ययन के लिए रखी गई निधि ऐसी समिति के खाते में जमा की जाएगी जो उसके द्वारा उप-पैरा (1) में यथा विनिर्दिष्ट मिति में खोला जाएगा।

(3) किसी ऐसी समिति की निधियों का, जिनका निधि के उद्देश्यों के लिए तुरन्त प्रयोग किया जाना अपेक्षित नहीं है न्यास-घन के विनिर्धान के लिए तत्समय प्रवृत्त निधि द्वारा प्राधिकृत किसी एक या अधिक रीतियों से, जो

ऐसी समिति का सचिव-कोषपाल अवधारित करे, विनिर्दिष्ट किया जा सकेगा।”

(क) नियम 11 को उक्त अधिसूचना की अनुसूची 'ख' के पैरा 36 के रूप में पुनःसंख्याकित किया जाएगा और इस प्रकार पुनःसंख्याकित पैरा 36 को उसके उप-पैरा (1) के रूप में फिर से पुनःसंख्याकित किया जाएगा और इस प्रकार फिर से पुनःसंख्याकित उप-पैरा (1) के पश्चात् निम्नलिखित उप-पैरा अन्तःस्थापित किया जाएगा, अर्थात्:—
“(2) यथास्थिति, किसी राज्य समिति या संघ राज्य क्षेत्र समिति, के लेखाओं से निधियों का निकाला जाना ऐसी समिति द्वारा अवधारित रीति में विनियमित किया जाएगा ;”

(ख) नियम 12 को उक्त अधिसूचना की अनुसूची 'ख' के पैरा 37 के रूप में पुनःसंख्याकित किया जाएगा और इस प्रकार पुनःसंख्याकित पैरा 37 में, 'बोर्ड' शब्द के स्थान पर 'यथास्थिति बोर्ड' या राज्य समिति या संघ राज्य क्षेत्र समिति' शब्द रखे जाएंगे ;

(छ) नियम 13 को उक्त अधिसूचना की अनुसूची 'ख' के पैरा 38 के रूप में पुनःसंख्याकित किया जाएगा और इस प्रकार पुनःसंख्याकित पैरा 38 के प्रथम पैरा और द्वितीय पैरा को उप-पैरा (1) और उप-पैरा (2) के रूप में फिर से पुनःसंख्याकित किया जाएगा और इस प्रकार पुनःसंख्याकित पैरा 38 में, “बोर्ड” शब्द जहाँ भी वह आता है, के स्थान पर, 'यथास्थिति, बोर्ड' या राज्य समिति या संघ राज्य क्षेत्र समिति' शब्द रखे जाएंगे ;

(ज) नियम 14 को उक्त अधिसूचना की अनुसूची 'ख' के पैरा 39 के रूप में पुनःसंख्याकित किया जाएगा और इस प्रकार पुनःसंख्याकित पैरा 39 में, 'बोर्ड' शब्द, जहाँ भी वह आता है, के स्थान पर 'यथास्थिति, बोर्ड' या राज्य समिति या संघ राज्य क्षेत्र समिति' शब्द रखे जाएंगे ;

(झ) नियम 15 को उक्त अधिसूचना की अनुसूची 'ख' के पैरा 40 के रूप में पुनःसंख्याकित किया जाएगा और इस प्रकार पुनःसंख्याकित पैरा 40 को उसके उप-पैरा (1) के रूप में फिर से पुनःसंख्याकित किया जाएगा और इस प्रकार फिर से पुनःसंख्याकित उप-पैरा (1) के पश्चात् निम्न-लिखित उप-पैरा अन्तःस्थापित किया जाएगा, अर्थात्:—

“(2) निधि के लेखा में राज्य समिति या संघ राज्य क्षेत्र समिति के लेखा भी समाविष्ट होंगे” ;

(झ) नियम 16 को उक्त अधिसूचना की अनुसूची 'ख' के पैरा 41 के रूप में पुनःसंख्याकित किया जाएगा ;

(ट) नियम 17 का लोप किया जाएगा ।

(3) उक्त अधिसूचना के अन्त में, निम्नलिखित उपाख्य अन्तःस्थापित किया जाएगा, अर्थात्:—

उपाख्य

राज्य समिति/संघ राज्यक्षेत्र समिति की निधि/लेखा से वित्तीय सहायता के लिए आवेदन का

प्रारूप

1. संगठन का नाम और पता
2. संगठन का नाम
3. संगठन के स्थापन की तारीख
4. प्रारम्भ से संगठन का सक्रिय इति-
वृत्त और उसके क्रियाकलापों का
सक्रिय विवरण

5. क्या संगठन तत्समय प्रवृत्त किसी निधि के अधीन रजिस्ट्रीकृत है ? यदि है, तो उसके ब्यौरे दें ।

6. क्या संगठन राष्ट्रीय/राज्य/जिला स्तर का है ।

7. क्या संगठन राष्ट्रीय या राज्य स्तर के रूप में मान्यताप्राप्त है । यदि है तो उसके ब्यौरे दें ।

8. क्या संगठन भारत सरकार के समाज कल्याण मंत्रालय से संगठन संबन्धी सहायता पा रहा है । यदि पा रहा है तो उसके ब्यौरे दें ।

9. क्या संगठन केन्द्रीय सरकार से किसी कार्यक्रम के लिए सहायता पा रहा है । यदि पा रहा है, तो उसके ब्यौरे दें ।

10. क्या संगठन राज्य सरकार से किसी कार्यक्रम के लिए सहायता पा रहा है । यदि पा रहा है तो उसके ब्यौरे दें ।

11. क्या संगठन केन्द्रीय समाज कल्याण बोर्ड या राज्य समाज कल्याण बोर्ड से अनुदान पाता है । यदि पाता है तो उसके ब्यौरे दें ।

12. क्या संगठन भारत में किसी अन्य संगठन से या विदेश से नकद या वस्तु रूप में अनुदान पाता है । यदि पाता है तो उसके ब्यौरे दें ।

13. प्रस्तावित परियोजना के ब्यौरे जिसके लिए निधि / लेखा से सहायता मांगी गई है ।

(रूपया बजट, कर्मचारिवृत्त, कार्यक्रम और अन्य ब्यौरों सहित परियोजना की विस्तृत रिपोर्ट उपलब्ध कराएं)

14. क्या संगठन प्रस्तावित परियोजना की लागत का 10 प्रतिशत खर्च करेगा । यदि ऐसा करेगा तो इस प्रयोजन के लिए साधन कैसे जुटाएगा ।

15. क्या प्रस्तावित स्कीम, केन्द्रीय सरकार द्वारा संचालित किसी भी अन्य सामान्य सहायता स्कीम के अधीन सहायता के लिए पात्र है । यदि है तो निधि । लेखा से सहायता के लिए कारण दें ।

16. प्रस्तावित परियोजना या संगठन की बाबत कोई अन्य ब्यौरे ।

(टिप्पण : यह अधिमान्य होगा कि संगठन के पिछले वर्ष के व्यय के लेखा-विवरण की प्रति के साथ साथ संगम के अनुष्ठेदों या संगम के ज्ञापन की एक प्रति और संगठन के नियमों और विनियमों की एक प्रति संगम की जाए ।

संगठन के सचिव/समापति के हस्ताक्षर और संगठन की मुहर ।

[सं० 4-15/79-सी० डब्ल्यू०]
प्रार० के० साहा, अवर सचिव

New Delhi, the 28th July, 1980

S.O. 2071.—In exercise of the powers conferred by section 5 of the Charitable Endowments Act, 1890 (6 of 1890), and on an application made by the Board of Management of the National Children's Fund, the Central Government hereby makes the following amendments in the notification of the Government of India in the then Department of Social Welfare No. S.O. 120(E), dated the 2nd March, 1979, namely :—

(1) in Schedule 'B' to the said notification,—

(a) in paragraph 1, in item (i), after the words "pre-School age children", the words "and other programmes envisaged in the National Plan of Action for International Year of the Child" shall be inserted :

(b) in paragraph 3,—

(i) in item (a), for the words "of education and", the words "in charge of" shall be substituted;

(ii) in item (b), for the words "for education and", the words "in charge of" shall be substituted;

(iii) For items (e), (f), (g) and (h) and the entries relating thereto, the following items and entries shall be substituted, namely :—

"(e) Joint Secretary (Nutrition and Child Development), Ministry of Social Welfare, Government of India.....Member

(f) Chairman, Central Social Welfare Board, New Delhi—Member

(g) six non-official members to be nominated by the Chairman—Members

(h) a representative from each of the State Committees and Union territory Committees to be nominated by the Chairman of each such Committee—Members

(i) Director, National Institute of Public Cooperation and Child Development—Secretary-Treasurer.

(j) for paragraph 6, the following paragraph shall be substituted, namely :—

"6 subject to the provisions herein contained, the Board may, "with the previous approval of the Central Government, frame and vary from time to time, as they think fit, bye-laws for the conduct of their business."

(d) in paragraph 8, for the word "rule", the words "bye-laws" shall be substituted;

(e) for paragraph 9 and 10, the following paragraphs shall be substituted, namely :—

"9. Appointment of State Committees and Union territory Committees—The Board may appoint a Committee for each State and each Union territory

to be called the State Committee or the Union territory Committee, as the case may be, to carry out the purposes of this scheme.

10. Delegation of powers—The Board may delegate any of their powers to any of the State Committees or the Union territory Committees or anyone or more members of such Committees".

(f) after paragraph 14, the following paragraphs shall be inserted, namely:—

"15. Distribution of funds—The collection made for the Fund in a financial year in a State or a Union territory by the State Committee or the Union territory Committee, as the case may be, shall be distributed between such Committee and the Board in the ratio of 90 : 10 respectively from the date to be specified in this behalf by the Board.

Eligibility for financial assistance :—A voluntary organisation with a known record of service in the field of child welfare and eligible for financial assistance in terms of this scheme shall ordinarily be preferred for assistance from the Fund.

17. Applications to Board :—For financial assistance from the Central Account of the Fund, voluntary organisations shall address applications in this behalf, in the annexed Form, to the Secretary-Treasurer of the Board.

10. Applications to State or Union territory Committees.—For financial assistance from the account of the Fund controlled by a State Committee or a union territory Committee, voluntary organisations shall address the applications in this behalf, in the annexed Form, to the Secretary-Treasurer of the concerned State Committee or the Union territory Committee, as the case may be.

19. Limitation to financial assistance :—The financial assistance to voluntary organisations of a national or State or district level shall be limited to 90 per cent. of the estimated cost of the proposed programme and shall not exceed rupees one lakh in any case.

20. Scope of financial assistance:—Financial assistance under this scheme shall be restricted to the programmes which are considered viable.

21. Programmes eligible for financial assistance :—Programmes that are eligible for assistance under any scheme operated by the Central Government or a State Government, shall not, in ordinary circumstances, qualify for any financial assistance under this Scheme.

22. Consideration of application :—All applications for financial assistance from the Central Account of the Fund shall be considered and disposed of by the Board, and where the Board is not meeting early for any reason, the applications so received may be considered and disposed of by a committee consisting of the Chairman and two other members of the Board to be nominated by the Chairman of the Board.

Provided that before any such application is so considered, the Chairman may, if he thinks it necessary so to do, refer such application to the State Government concerned or any other body for expressing its views thereon.

23. Consideration of applications made to State or Union territory Committee :—All applications for financial assistance from the account of the Fund controlled by a State Committee or a Union territory Committee, as the case may be shall be considered and disposed of by the State Committee or the Union territory Committee concerned and where such Committee is not meeting early for any reason, the applications as received may be considered and disposed of by the Chairman of the concerned State Committee or the Union territory Committee.

24. Power to stop grant:—The Chairman of the Board or the Chairman of a State Committee or the Chairman of a Union territory Committee, as the case may be, if he thinks it necessary so to do, and for reasons to be recorded in writing, may withhold or terminate or reduce any undisbursed grants, whether of a recurring or a non-recurring nature, made under this Scheme.

25. Conditions of financial assistance :—It shall be the condition of financial assistance to any voluntary organisation from the Central Account of the Fund or the account of the Fund controlled by a State Committee or a Union territory Committee, as the case may be, that the voluntary organisation maintains a separate account of all the grants, renders a full account of the grants within the stipulated line, furnishes utilisation certificate at the time specified in this behalf, makes available audited accounts of the grants received within the stipulated time, and assists the officers of the Fund or the officers of a State Committee or a Union territory Committee, as the case may be, in the inspection of the programmes executed or books maintained by such organisation in this behalf.

26. Composition of State Committee :—A State Committee, shall consist of :—

- (a) the State Minister in charge of child welfare—Chairman ex-officio,
- (b) one representative of the State Department of Finance—Member,
- (c) six persons to be nominated by the Chairman of the State Committee including three from the field of paediatrics, home science, nutrition or social work—Member,
- (d) the Director in charge of child welfare or a corresponding officer in the State—Secretary-Treasurer.

27. Composition of Union territory Committee :—
A Union territory Committee shall consist of :—

- (a) the Administrator of the Union territory by whatever designation called—Chairman ex-officio
- (b) one representative of the Finance Department of the Union territory Administration—Member
- (c) six persons to be nominated by the Chairman of the U.T. Committee including three from the field of paediatrics, home science, nutrition or social work—Members
- (d) the Director in charge of child welfare or a corresponding officer in the Union territory—Secretary-Treasurer.

28. Functions of State or Union territory Committee :—

(1) A State Committee or a Union territory Committee, as the case may be, shall perform such functions and exercise such powers as may be delegated to it by the Board.

(2) Subject to the provisions contained in this Scheme, a State Committee or a Union territory Committee, as the case may be, may, with the previous approval of the Board, frame and vary from time to time as they think fit, bye-laws for the conduct of their business.

(3) The quorum to constitute a meeting of such Committee shall be a majority of the total number of members thereof.

(4) In a meeting of such Committee, every matter shall be determined by a majority of votes of the members present and voting on the question and in case of equality of votes the person presiding over the meeting shall have a casting vote.

(2) in the rules annexed to the said notification,—

- (a) the heading "RULES FOR THE ADMINISTRATION OF THE NATIONAL CHILDREN'S FUND, NEW DELHI", the paragraph beginning with the words "In pursuance of the powers", and ending with the words "National Children's Fund", rule 1 relating to short title, rule 2 relating to definitions and rule 3 relating to authorities of the Fund shall be omitted;
- (b) rules 4 5 6 and 7 shall be renumbered as paragraphs 29, 30, 31 and 32 of Schedule 'B' to the said notification respectively, and in paragraphs 29, 30, 31 and 32 as so renumbered, for the words "the Board", wherever they

occur, the words "the Board or the State Committee or the Union territory Committee, as the case may be, shall be substituted;

(c) rule 8 and 9 shall be renumbered as paragraphs 33 and 34 of Schedule 'B' to the said notification and in paragraph 34 as so renumbered, for the words "the Board", the words "the Board or the State Committee or the Union territory Committee, as the case may be", and for the word "the Fund" the words "this Scheme" shall respectively be substituted;

(d) rule 10 shall be renumbered as paragraph 35 of Schedule 'B' to the said notification, and paragraph 35 as so renumbered shall be further renumbered as sub-paragraph (1) thereof, and after sub-paragraph (1) as so further renumbered, the following sub-paragraphs shall be inserted, namely: —

"(2) The funds placed at the disposal of a State Committee or a Union territory Committee, as the case may be, by the Board, shall be credited to the accounts of such Committee to be opened by it in the manner as specified in sub-paragraph (1).

(3) The funds of any such Committee that are not required to be used immediately for the objects of the Fund, may be invested in any one or more of the modes of investment for the time being authorised by law for the investment of the trust moneys as may be determined by the Secretary-Treasurer of such Committee."

(e) rule 11 shall be renumbered as paragraph 36 of Schedule 'B' to the said notification, and paragraph 36 as so renumbered shall be further renumbered as sub-paragraph (1) thereof and after sub-paragraph (1) as so further renumbered, the following sub-paragraph shall be inserted, namely:—

"(2) Withdrawal of funds from the accounts of a State Committee or a Union territory Committee, as the case may be, shall be regulated in the manner to be determined by such Committee";

(f) rule 12 shall be renumbered as paragraph 37 of Schedule 'B' to the said notification, and in paragraph 37 as so renumbered, for the words "the Board", the words "the Board or the State Committee or the Union territory Committee, as the case may be," shall be substituted;

(g) rule 13 shall be renumbered as paragraph 38 of Schedule 'B' to the said notification, and the first paragraph and the second paragraph of paragraph 38 as so renumbered shall be further renumbered as sub-paragraph (1) and sub-paragraph (2) respectively, and in paragraph 38 as so renumbered, for the words "the Board", wherever they occur, the words "the Board or the State Committee or the Union territory Committee, as the case may be" shall be substituted;

(h) rule 14 shall be renumbered as paragraph 39 of Schedule 'B' to the said notification, and in paragraph 39 as so renumbered for the words "the Board", wherever they occur, the words "the Board or the State Committee or the Union territory Committee, as the case may be," shall be substituted;

(i) rule 15 shall be renumbered as paragraph 40 of Schedule 'B' to the said notification, and paragraph 40 as so renumbered shall be further renumbered as sub-paragraph (1) thereof, and after sub-paragraph (1) as so further renumbered, the following sub-paragraph shall be inserted namely:—

"(2) The accounts of the Fund shall also incorporate the accounts of the State Committees and the Union territory Committees.";

(j) rule 16 shall be renumbered as paragraph 41 of Schedule 'B' to the said notification;

(k) rule 17 shall be omitted;

(3) at the end of the said notification, the following Annexure shall be inserted, namely:—

ANNEXURE

Form of application for financial assistance from the Fund/Account of State Committee/Union territory Committee

1. Name and address of the organisation _____
2. Name of the organisation _____
3. Date of establishment of the organisation _____
4. Brief history and a brief account of the activities of the organisation since its inception _____

5. Whether the organisation is registered under any law for the time being in force ? If so, the details thereof _____
6. Whether the organisation is of a National/State/District level _____
7. Whether the organisation has been recognised as an organisation of National or State level ? If so, details thereof. _____
8. Whether the organisation is in receipt of organisational assistance from the Government of India, Ministry of Social Welfare ? If so, details thereof. _____
9. Whether the organisation is in receipt of assistance from the Central Government for any programme ? If so, details thereof. _____
10. Whether the organisation is in receipt of assistance from the State Government for any programme ? If so, details thereof. _____
11. Whether the organisation receives grant from Central Social Welfare Board or State Social Welfare Board ? If so, details thereof. _____
12. Whether the organisation receives grant in cash or kind from and other organisation in India or in a foreign country ? If so, details thereof. _____
13. Details of the proposed project for which assistance is sought from the Fund/Account (Please make available a detailed project report with Budget, staff, programme and other details). _____
14. Whether the organisation will meet 10% cost of the proposed project ? If so, how the resources for the purpose will be raised? _____

15. Whether the scheme proposed qualifies for assistance under any of the normal assistance schemes operated by the Central Government ? If so, give reasons to seek assistance from the Fund/Account _____
16. Any other details regarding the proposed project or the organisation _____

(Note :—It is preferable that a copy of the Articles of memorandum of Association and a copy of the Rules and Regulations of the organisation are enclosed alongwith a copy of the statement of accounts of expenditure of the organisation for the last available year).

Signature of the Secretary/President
of the organisation with stamp."

[No. 4-15/79-CW]

R. K. SAHA, Under Secy.

नौवहन और परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली, 25 जुलाई, 1980

का०आ० 2072.—केन्द्रीय सरकार दिल्ली परिवहन (सलाहकार परिषद्) नियम 1973 के नियम 3 के साथ पठित मङ्क परिवहन निगम अधिनियम 1950 (1950 का 64) की धारा 17 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम की धारा 3 के अधीन गठित दिल्ली परिवहन निगम के बिचारों का पता लगाने के बाव श्री एम० पी० मिश्र, सदस्य, राज्य सभा, श्री जे० डी० टाइटलर, सदस्य, लोक सभा और श्री सज्जन कुमार, सदस्य, लोक सभा की दिल्ली परिवहन निगम सलाहकार परिषद् का सदस्य नियुक्त करती है, जिसका गठन उक्त नियमों के नियम 11 में उल्लिखित मामलों पर उक्त निगम को सलाह देने के लिए किया गया था और भारत सरकार के नौवहन और परिवहन मंत्रालय (परिवहन पक्ष) को 13 दिसम्बर, 1979 की अधिसूचना संख्या का०आ० 797(ड) में निम्नलिखित मणोघन करती है :

उक्त अधिसूचना में, पैरा 1 में, मद 18 और उससे संबंधित प्रविष्टि के बाद नीचे लिखी प्रविष्टि जोड़ी जाए, अर्थात्—

(19) श्री एम० पी० मिश्र, सदस्य, राज्य सभा ।

(20) श्री जे० डी० टाइटलर, सदस्य, लोक सभा ।

(21) श्री सज्जन कुमार, सदस्य, लोक सभा ।

[संख्या टी जी डी (55)/79]

बी० आर० चट्टाण, उप सचिव

MINISTRY OF SHIPPING & TRANSPORT

(Transport Wing)

New Delhi, the 25th July, 1980

S.O. 2072.—In exercise of the powers conferred by section 17 of the Road Transport Corporations Act, 1950 (64 of 1950) read with rule 3 of the Delhi Transport (Advisory Council) Rules, 1973, the Central Government, after ascertaining the views of the Delhi Transport Corporation, established under section 3 of the said Act, hereby appoints Shri S.P. Mittal, Member, Rajya Sabha, Shri J.D. Tytler, Member, Lok Sabha and Shri Sajjan Kumar, Member,

Lok Sabha, as members of the Delhi Transport Corporation Advisory Council, constituted for the purpose of advising the said Corporation on the matters specified in rule 11 of the said rules and makes the following amendment in the notification of the Government of India, in the Ministry of Shipping and Transport (Transport Wing) No. S. O. 797(E), dated the 13th December, 1979, namely:—

In the said notification, in paragraph 1, the following shall be inserted after item 18 and the entry relating thereto, namely:—

“(19) Shri S. P. Mittal, Member, Rajya Sabha.

(20) Shri J. D. Tytler, Member, Lok Sabha.

(21) Shri Sajjan Kumar, Member, Lok Sabha.”

[No. TGD(55)/79]

B. R. CHAVAN, Dy. Secy.

नई दिल्ली, 4 अगस्त, 1980

का०आ० 2073.—केन्द्रीय सरकार, गोदी कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 9) की धारा 5(क) की उप-धारा (3) और (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए नीचे लिखे व्यक्तियों को उक्त धारा 5(क) की उपधारा (1) के अधीन स्थापित काण्डला डाक लेबर बोर्ड का सदस्य नियुक्त करती है:—

केन्द्रीय सरकार की ओर से सदस्य :

1. अध्यक्ष, काण्डला पोर्ट ट्रस्ट, काण्डला।
2. उपाध्यक्ष, काण्डला डाक लेबर बोर्ड, काण्डला।
3. उपायुक्त (श्रम), अहमदाबाद (गुजरात सरकार की अनुमति मिलने पर)।
4. यातायात प्रबन्धक, काण्डला पोर्ट ट्रस्ट, गांधीघाट।
5. उप यातायात प्रबन्धक काण्डला पोर्ट ट्रस्ट, गांधीघाट।

गोदी कर्मचारियों की ओर से सदस्य :

1. श्री मनोहर जी० कोलवाल } ट्रांसपोर्ट एण्ड डाक वर्कर्स यूनियन,
2. श्री रामकांत रामचन्द्र देसाई } काण्डला पोर्ट के प्रतिनिधि
3. श्री रस्तमजी नारसैरवान जी }
4. श्री एन०आर० घायसी } काण्डला नौभरक और डाक वर्कर्स
5. श्री डी०जे० जोषनपुत्र } यूनियन के प्रतिनिधि।

गोदी कर्मचारियों के नियोक्ताओं और शिपिंग कम्पनियों की ओर से सदस्य :

1. श्री एन० सी० मेहता } काण्डला नौभरक एसोसिएशन के
2. श्री टी० राघवन } प्रतिनिधि
3. संयुक्त निदेशक (पत्तन कार्य) भारतीय खाद्य निगम के प्रतिनिधि भारतीय खाद्य निगम, काण्डला
4. श्री आर० एन० राज } काण्डला पोर्ट स्टीमशिप एजेंड्स एसोसिएशन के प्रतिनिधि।
5. श्री एच० ओ० बोहरा } इंडियन नेशनल शिप ओनर्स एसोसिएशन के प्रतिनिधि।

2. केन्द्रीय सरकार काण्डला पोर्ट ट्रस्ट, काण्डला के चैयरमैन श्री एस० एल० वर्मा को उक्त बोर्ड का चैयरमैन मनोनीत करती है।

[फा० सं० एल० डी०के०/6/80 एल-III]

New Delhi, the 4th August, 1980

S.O. 2073.—In exercise of the powers conferred by sub-sections (3) and (4) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby appoints the following persons as members of the Kandla Dock Labour Board established under sub-section (1) of the said section 5A, namely:—

Members representing the Central Government:

1. The Chairman, Kandla Port Trust, Kandla.
2. The Deputy Chairman, Kandla Dock Labour Board, Kandla.
3. The Deputy Commissioner (Labour), Ahmedabad.
4. The Traffic Manager, Kandla Port Trust, Gandhidham.
5. The Deputy Traffic Manager, Kandla Port Trust, Gandhidham.

Members representing the dock workers:

1. Shri Manohar G. Kotwal. } Representatives of
2. Shri Ramakant Ramchandra Desai. } Transport and Dock
3. Shri Rustomji Nasserwanji. } Workers Union, Kandla Port.
4. Shri N.R. Ayachi. } Representatives of
5. Shri D.J. Jobanputra. } Kandla Stevedores and Dock Workers Union.

Members representing the employers of dock workers and shipping companies:

1. Shri N.C. Mehta. } Representatives of
2. Shri T. Raghavan } Kandla Stevedores' Association.
3. The Joint Manager (Port Operations) Food Corporation of India, Kandla. } Representative of the Food Corporation of India.
4. Shri R.N. Rao. } Representative of Kandla Port Steamship Agents' Association.
5. Shri H.O. Vora. } Representative of Indian National Ship-owners' Association.

2. The Central Government hereby appoints Shri S.L. Verma, Chairman, Kandla Port Trust, Kandla, as the Chairman of the said Board.

[F. No. LDK/6/80-L III]

का०आ० 2074.—डॉक कर्मकार (नियोजन का विनियमन) स्कीम का संशोधन करने के लिये स्कीम का एक प्रारूप, डॉक कर्मकार (नियोजन का विनियमन) अधिनियम, 1948 (1948 का 19) की धारा 4 की उपधारा (1) की अपेक्षासुसार, भारत सरकार के नौवहन और परिवहन

संज्ञालय (परिवहन पक्ष) की अधिसूचना सं० का०प्रा० 544, तारीख 22 फरवरी, 1980 के अधीन भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 8 मार्च, 1980 के पृष्ठ 641-643 पर प्रकाशित किया गया था, जिनमें राजपत्र में उक्त अधिसूचना के प्रकाशन की तारीख से दो मास की अवधि की समाप्ति तक उन सभी व्यक्तियों से आपत्ति और सुझाव मांगे गए थे, जिनके उससे प्रभावित होने की संभावना थी ; और उक्त राजपत्र 8 मार्च, 1980 को जनता को उपलब्ध करा दिया गया था ;

और केन्द्रीय सरकार ने उक्त प्रारूप की बाबत जनता से प्राप्त आपत्तियों और सुझावों पर विचार कर लिया है ;

अतः, केन्द्रीय सरकार उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, डॉक कर्मकार (नियोजन का विनियमन) स्कीम का और संशोधन करने के लिए निम्नलिखित स्कीम बनाती है, अर्थात्—

1. संक्षिप्त नाम और प्रारम्भः—(1) इस स्कीम का संक्षिप्त नाम डॉक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1980 है ।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी ।

2. अनुसूची में विनिर्दिष्ट स्कीमों, उसमें उल्लिखित रीति से, संशोधित की जाती हैं ।

अनुसूची

क्रम सं०	संक्षिप्त नाम	संशोधन
(1)	(2)	(3)
1.	मुम्बई डॉक कर्मकार (नियोजन का विनियमन स्कीम, 1956)	(i) खण्ड 6 के प्रथम परन्तुक में, "एक हजार दो सौ पचास रुपये और उससे अधिक" शब्दों के स्थान पर, "एक हजार छह सौ पचास रुपये और उससे अधिक" शब्द रखे जाएंगे ; (ii) खण्ड 9 के उपखण्ड (अ) में,— (क) उप-मव (i) में, "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जाएंगे ; (ख) उप मव (ii) में, "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जाएंगे ; (iii) खण्ड 10 की मव (क) में, "सात सौ पचास रुपए" शब्दों के स्थान पर "एक हजार दो सौ पचास रुपए" शब्द रखे जाएंगे ; (iv) खण्ड 11 में, मव (छ) के परन्तुक में, "पांच सौ पचास रुपए" शब्दों के स्थान पर "एक हजार एक सौ पचास रुपए" शब्द रखे जाएंगे ।
2.	मद्रास डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1956	(i) खण्ड 6 के प्रथम परन्तुक में, "एक हजार दो सौ पचास रुपए और उससे अधिक" शब्दों के स्थान पर "एक हजार छह सौ पचास रुपए और उससे अधिक" शब्द रखे जाएंगे ; (ii) खण्ड 9 के उपखण्ड (1) की मव (अ) में, "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जाएंगे ;

1	2	3
		(iii) खण्ड 10 की मव (ब) में, "सात सौ पचास रुपए" शब्दों के स्थान पर "एक हजार दो सौ पचास रुपए" शब्द रखे जाएंगे ; (iv) खण्ड 11 में, मव (छ) के परन्तुक में, "चार सौ रुपए" शब्दों के स्थान पर "आठ सौ पचास रुपए" शब्द रखे जाएंगे ।
3.	मद्रास ग्राजिलीकृत डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1957	(i) खण्ड 4 कक की मव (अ) में, "एक हजार दो सौ पचास रुपए से कम" शब्दों के स्थान पर "केवल एक हजार छह सौ पचास रुपए तक" शब्द रखे जाएंगे ; (ii) खण्ड 5 के उपखण्ड (1) की मव (छ) में, "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जाएंगे ।
4.	कोचीन डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1959	(i) खण्ड 6 के प्रथम परन्तुक में, "एक हजार दो सौ पचास रुपए और उससे अधिक" शब्दों के स्थान पर "एक हजार छह सौ पचास रुपए और उससे अधिक" शब्द रखे जाएंगे ; (ii) खण्ड 9 के उपखण्ड (i) की मव (अ) में, "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जाएंगे ; (iii) खण्ड 10 की मव (ब) में, "सात सौ पचास रुपए" शब्दों के स्थान पर "एक हजार दो सौ पचास रुपए" शब्द रखे जाएंगे ; (iv) खण्ड 11 में, मव (छ) के परन्तुक में, "चार सौ रुपए" शब्दों के स्थान पर "आठ सौ पचास रुपए" शब्द रखे जाएंगे ।
5.	विशाखापत्तनम डॉक कर्मकार (नियोजन का विनियमन) स्कीम, 1959	(i) खण्ड 6 के प्रथम परन्तुक में, "एक हजार दो सौ पचास रुपए और उससे अधिक" शब्दों के स्थान पर "एक हजार छह सौ पचास रुपए और उससे अधिक" शब्द रखे जाएंगे ; (ii) खण्ड 9 के उपखण्ड (1) की मव (अ) में, "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जाएंगे ; (iii) खण्ड 10 की मव (ब) में, "सात सौ पचास रुपए" शब्दों के स्थान पर "एक हजार दो सौ पचास रुपए" शब्द रखे जाएंगे ; (iv) खण्ड 11 में, मव (छ) के परन्तुक में, "चार सौ रुपए" शब्दों के स्थान पर "आठ सौ पचास रुपए" शब्द रखे जाएंगे ।

1	2	3	1	2	3
5. मारमुगाओ डोंक कर्म-कार (नियोजन का विनियमन) स्कीम, 1965	(i) खण्ड 6 के प्रथम परन्तुक में, "एक हजार दो सौ पचास रुपए और उससे अधिक" शब्दों के स्थान पर "एक हजार छह सौ पचास रुपए और उससे अधिक" शब्द रखे जाएंगे;	(ii) खण्ड 10 के उपखण्ड (1) की मद (अ) में,— (क) उपमद (1) में, "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जाएंगे; (ख) उपमद (ii) में, "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जाएंगे;	9. कांडला डोंक कर्मकार (नियोजन का विनियमन) स्कीम, 1969	(i) खण्ड 6 के प्रथम परन्तुक में, "एक हजार दो सौ पचास रुपए" शब्दों के स्थान पर "एक हजार छह सौ पचास रुपए" शब्द रखे जाएंगे;	(ii) खंड 10 के उपखण्ड (1) की मद (अ) में,— (क) उपमद (i) में, "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जाएंगे; (ख) उपमद (ii) में, "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जाएंगे;
	(iii) खण्ड 11 की मद (ब) में, "मान सौ पचास रुपए" शब्दों के स्थान पर "एक हजार दो सौ पचास रुपए" शब्द रखे जाएंगे;	(iv) खण्ड 12 में, मद (छ) के परन्तुक में, "चार सौ रुपए" शब्दों के स्थान पर "आठ सौ पचास रुपए रुपए" शब्द रखे जाएंगे।		(iii) खण्ड 11 में, निम्नलिखित जोड़ा जाएगा, अर्थात्:— “(ब) ऐसे पदों पर नियुक्ति करना जिनका अधिकतम वेतन, भत्तों के अतिरिक्त, एक हजार दो सौ पचास रुपए प्रति मास से अधिक नहीं है;”	(i) खण्ड 12 में, मद (छ) के परन्तुक में, "चार सौ रुपए" शब्दों के स्थान पर "आठ सौ पचास रुपए" शब्द रखे जाएंगे।
7. विनाशापत्तनम अर-जिस्ट्रीकृत डोंक कर्म-कार (नियोजन का विनियमन) स्कीम, 1968	(i) खण्ड 5 के प्रथम परन्तुक में, "एक हजार दो सौ पचास रुपए और उससे अधिक" शब्दों के स्थान पर "एक हजार छह सौ पचास रुपए और उससे अधिक" शब्द रखे जाएंगे;	(ii) खण्ड 9 के उपखण्ड (1) की मद (ज) में "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जायेंगे;	10. मुम्बई छोलत और रंगरोयन कर्मकार (नियोजन का विनियमन) स्कीम, 1969	(i) खण्ड 5 के प्रथम परन्तुक में, "एक हजार दो सौ पचास रुपए और उससे अधिक" शब्दों के स्थान पर "एक हजार छह सौ पचास रुपए और उससे अधिक" शब्द रखे जाएंगे;	(ii) खण्ड 9 के उपखण्ड (i) की मद (अ) में,— (क) उपमद (1) में, "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जाएंगे; (ख) उप मद (ii) में, "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जाएंगे;
	(iii) खण्ड 10 में, निम्नलिखित जोड़ा जाएगा, अर्थात्:— (च) ऐसे पदों पर नियुक्ति करना, जिनका वेतन, जिसके अन्तर्गत भत्ते भी हैं, प्रति मास एक हजार दो सौ पचास रुपए से अधिक नहीं है;	(iv) खण्ड 12 में, मद (छ) के परन्तुक में, "चार सौ रुपए" शब्दों के स्थान पर "आठ सौ पचास रुपए" शब्द रखे जाएंगे।		(iii) खण्ड 11 में, मद (छ) के परन्तुक में, "पांच सौ पचास रुपए" शब्दों के स्थान पर "एक हजार एक सौ पचास रुपए" शब्द रखे जाएंगे।	
8. कांडला अरजिस्ट्रीकृत डोंक कर्मकार (नियोजन का विनियमन) स्कीम, 1968	(i) खण्ड 5 के प्रथम परन्तुक में, "एक हजार दो सौ पचास रुपए और उससे अधिक" शब्दों के स्थान पर "एक हजार छह सौ पचास रुपए और उससे अधिक" शब्द रखे जाएंगे;	(ii) खण्ड 7 के उपखण्ड (1) की मद (इ) में "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जाएंगे;			
	(iii) खण्ड 9 में, मद (इ) के परन्तुक में, "चार सौ रुपए" शब्दों के स्थान पर "आठ सौ पचास रुपए" शब्द रखे जाएंगे;		11. कलकत्ता डोंक कर्म-कार (नियोजन का विनियमन) स्कीम, 1970	(i) खण्ड 6 के प्रथम परन्तुक में, "एक हजार दो सौ पचास रुपए और उससे अधिक" शब्दों के स्थान पर, "एक हजार छह सौ पचास रुपए और उससे अधिक" शब्द रखे जाएंगे।	(ii) खण्ड 10 के उपखण्ड (i) की मद (अ) में, "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जाएंगे;

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(iii) खण्ड 11 की मद (ब) में, "सात सौ पचास रुपए" शब्दों के स्थान पर "एक हजार दो सौ पचास रुपए" शब्द रखे जाएंगे;

(iv) खण्ड 12 की मद (ज) (iv) में, "पांच सौ पचहत्तर रुपए" शब्दों के स्थान पर "एक हजार एक सौ पचास रुपए" शब्द रखे जाएंगे;

(v) खण्ड 12 की मद (ज) (iv) के परन्तुक में, "पांच सौ पचहत्तर रुपए" शब्दों के स्थान पर "एक हजार एक सौ पचास रुपए" शब्द रखे जाएंगे।

12. कलकत्ता डीपन और रंगरोपन कर्मकार (नियोजन का विनियमन) स्कीम, 1970

(i) खण्ड 6 के प्रथम परन्तुक में, "एक हजार दो सौ पचास रुपए और उससे अधिक" शब्दों के स्थान पर "एक हजार छह सौ पचास रुपए और उससे अधिक" शब्द रखे जाएंगे;

(ii) खण्ड 10 के उपखण्ड (1) की मद (अ) में, "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जाएंगे।

(iii) खण्ड 11 की मद (ब) में, "सात सौ पचास रुपए" शब्दों के स्थान पर "एक हजार दो सौ पचास रुपए" शब्द रखे जाएंगे;

(iv) खण्ड 12 की मद (ज) (iv) में, (क) "पांच सौ पचहत्तर रुपए" शब्दों के स्थान पर "एक हजार एक सौ पचास रुपए" शब्द रखे जाएंगे; (ख) परन्तुक में, "पांच सौ पचहत्तर रुपए" शब्दों के स्थान पर "एक हजार एक सौ पचास रुपए" शब्द रखे जाएंगे।

13. कलकत्ता डॉक लिफ्टिंग और पर्यवेक्षी कर्मकार (नियोजन का विनियमन) स्कीम, 1970

(i) खण्ड 5 के उपखण्ड (4) के प्रथम परन्तुक में, "एक हजार दो सौ पचास रुपए और उससे अधिक" शब्दों के स्थान पर "एक हजार छह सौ पचास रुपए और उससे अधिक" शब्द रखे जाएंगे;

(ii) खण्ड 9 के उपखण्ड (1) की मद (ज) में, "एक हजार रुपए" शब्दों के स्थान पर "एक हजार छह सौ रुपए" शब्द रखे जाएंगे।

14. मुम्बई श्रमजिगीकृत डॉक निकासी और श्रेष्ठ कर्मकार (नियोजन का विनियमन) स्कीम, 1973

(i) खण्ड 5 के प्रथम परन्तुक में, "एक हजार रुपए और उससे अधिक" शब्दों के स्थान पर "एक हजार छह सौ पचास रुपए और उससे अधिक" शब्द रखे जाएंगे;

(ii) खण्ड 7 की मद (1) में, "1250/- रुपए से कम नहीं" शब्दों और अंकों के स्थान पर "एक हजार छह सौ रुपए से कम नहीं" शब्द रखे जाएंगे;

(iii) खण्ड 8 के उपखण्ड (i) की मद (अ) में,—

(क) उपमद (1) में, "एक हजार रुपए से कम" शब्दों के स्थान पर, "एक हजार छह सौ रुपए तक" शब्द रखे जाएंगे;

(ख) उपमद (ii) में, "एक हजार रुपए से कम" शब्दों के स्थान पर "एक हजार छह सौ रुपए तक" शब्द रखे जाएंगे;

(iv) खण्ड 9 की मद (क) में, "सात सौ पचास रुपए" शब्दों के स्थान पर "एक हजार दो सौ पचास रुपए" शब्द रखे जाएंगे।

[फा० सं० एन जी प्रो 183/77-डी-1]
च० भ० बडगुजर, निदेशक

S.O. 2074.—Whereas certain draft scheme to amend the Dock Workers (Regulation of Employment) Schemes was published as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), at pages 641-647 of the Gazette of India, Part II, section 3, sub-section (ii), dated the 8th March, 1980 under notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 544, dated the 22nd February, 1980, inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of a period of two months from the date of publication of the said notification in the Official Gazette;

And whereas the said Gazette was made available to the public on 8th March, 1980;

And whereas objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following Scheme, further to amend the Dock Workers (Regulation of Employment) Schemes:—

1. Short title and commencement:—(1) The Scheme may be called the Dock Workers (Regulation of Employment) Amendment Scheme, 1980.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. The Schemes specified in the Schedule are hereby amended in the manner mentioned therein.

SCHEDULE

S.No.	Short title	Amendment
1	2	3
1. The Bombay Dock Workers (Regulation of Employment) Scheme, 1956.	(i) in the first proviso to clause 6, for the words "rupees one thousand two hundred and fifty and above" the words	

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		<p>"one thousand six hundred and fifty and above" shall be substituted;</p> <p>(ii) in clause 9, in sub-clause (j), -</p> <p>(a) in sub-item (i), for the words "rupees one thousand" the words "one thousand and six hundred" shall be substituted; (b) in sub-item (ii) for the words "rupees one thousand" the words "rupees one thousand and six hundred" shall be substituted;</p> <p>(iii) in clause 10, in item (e), for the words "rupees seven hundred and fifty" the words "rupees one thousand two hundred and fifty" shall be substituted;</p> <p>(iv) clause 11, in the proviso to item (g) the words "rupees five hundred and seventy-five" the words "one thousand one hundred and fifty" shall be substituted.</p>			
2. The Madras Dock Workers (Regulation of Employment) Scheme, 1956.		<p>(i) in the first proviso to clause 6, for the words "rupees one thousand two hundred and fifty and above" the words "rupees one thousand six hundred and fifty and above" shall be substituted;</p> <p>(ii) in clause 9, in sub-clause (1), in item (j), for the words "rupees one thousand" the words "rupees one thousand and six hundred" shall be substituted;</p> <p>(iii) in clause 10, in item (f), for the words "seven hundred and fifty" the words "one thousand two hundred and fifty" shall be substituted ;</p> <p>(iv) in clause 11, in the proviso to item (g), for the words "rupees four hundred" the words "rupees eight hundred and fifty" shall be substituted.</p>	4. The Cochin Dock Workers (Regulation of Employment) Scheme, 1959.		<p>(i) in the first proviso to clause 6, for the words "one thousand two hundred and fifty and above" the words "one thousand six hundred and fifty and above" shall be substituted;</p> <p>(ii) in clause 9, in sub-clause (1) in item (j), for the words "rupees one thousand" the words "rupees one thousand and six hundred" shall be substituted;</p> <p>(iii) in clause 10, in item (f), for the words "rupees seven hundred and fifty" the words "one thousand two hundred and fifty" shall be substituted;</p> <p>(iv) in clause 11, in proviso to item (g), for the words "rupees four hundred" the words "rupees eight hundred and fifty" shall be substituted.</p>
3. The Madras Un-registered Dock Workers (Regulation of Employment) Scheme, 1957.		<p>(i) in clause 4AA, in item (j), for the words "less than rupees one thousand two hundred and fifty", the words "upto rupees one thousand and six hundred and fifty only" shall be substituted;</p> <p>(ii) in clause 5, in sub-clause (1), in item (g), for the words "rupees one thousand" the words "rupees one thousand and six hundred" shall be substituted.</p>	5. The Visakhapatnam Dock Workers (Regulation of Employment) Scheme, 1959.		<p>(i) in the first proviso to clause 6, for the words "one thousand two hundred and fifty and above" the words "one thousand six hundred and fifty and above" shall be substituted;</p> <p>(ii) in clause 9, in sub-clause (1), in item (j), for the words "rupees one thousand" the words "rupees one thousand and six hundred" shall be substituted;</p> <p>(iii) in clause 10, in item (f) for the words "rupees seven hundred and fifty" the words "one thousand two hundred and fifty" shall be substituted;</p> <p>(iv) in clause 11, in the proviso to item (g), for the words "rupees four hundred" the words "rupees eight hundred and fifty" shall be substituted.</p>
			6. The Mormugao Dock Workers (Regulation of Employment) Scheme, 1965.		<p>(i) in the first proviso to clause 6, for the words "rupees one thousand two hundred and fifty and above" the words "rupees one thousand six hundred and fifty and above" shall be substituted;</p> <p>(ii) in clause 10, in sub-clause (1) in item (j),—</p> <p>(a) in sub-item (i), for the words "rupees one thousand" the words "rupees one thousand and six hundred" shall be substituted;</p> <p>(b) in sub-item (ii) for the words "rupees one thousand" the words "rupees</p>

1	2	3	1	2	3
		one thousand and six hundred" shall be substituted;			(a) in sub-item (i), for the words "rupees one thousand and six hundred" shall be substituted;
		(iii) in clause 11, in item (f), for the words "seven hundred and fifty" the words "one thousand two hundred and fifty" shall be substituted;			(b) in sub-item (ii), for the words "rupees one thousand and six hundred" shall be substituted;
		(iv) in clause 12, in the proviso to item (g), the words "rupees four hundred" the words "rupees eight hundred and fifty" shall be substituted.			(iii) in clause 11, the following shall be added, namely :— " (f) make appointments to the posts the maximum salary of which exclusive of allowances is not more than rupees one thousand two hundred and fifty per mensem;"
7. The Visakhapatnam Unregistered Dock Workers (Regulation of Employment) Scheme, 1968.		(i) in the first proviso to clause 5, for the words "rupees one thousand two hundred and fifty and above" the words "one thousand six hundred and fifty and above" shall be substituted;			(iv) in clause 12, in the proviso to item (g) for the words "rupees four hundred" the words "rupees eight hundred and fifty" shall be substituted.
		(ii) in clause 9, in sub-clause (l) in item (h), for the words "rupees one thousand" the words "one thousand and six hundred" shall be substituted;			
		(iii) In clause 10, the following shall be added, namely :— " (f) make appointments to the posts salary of which exclusive of allowances, is not more than rupees one thousand two hundred and fifty per mensem;"	10. The Bombay Chipping and Painting Workers (Regulation of Employment) Scheme, 1969.		(i) in the first proviso to clause 5, for the words "one thousand two hundred and fifty and above" the words "one thousand six hundred and fifty and above" shall be substituted;
		(iv) in clause 12, in the proviso to item (g), for the words "rupees four hundred" the words "rupees eight hundred and fifty" shall be substituted;			(ii) in clause 9, in sub-clause (l), in item (j),— (a) in sub-item (i) for the words "rupees one thousand" the words "rupees one thousand and six hundred" shall be substituted;
8. The Kandla Unregistered Dock Workers (Regulation of Employment) Scheme, 1968.		(i) in the first proviso to clause 5, for the words "rupees one thousand two hundred and fifty and above" the words "rupees one thousand six hundred and fifty and above" shall be substituted;			(b) in sub-item (ii), for the words "rupees one thousand and six hundred" shall be substituted;
		(ii) in clause 7, in sub-clause (l), in item (e), for the words "rupees one thousand" the words "rupees one thousand and six hundred" shall be substituted ;			(iii) in clause 11, in the proviso to item (g), for the words "rupees five hundred and seventy-five" the words "rupees one thousand one hundred and fifty" shall be substituted.
		(iii) in clause 9, in the proviso to item (e), for the words "rupees four hundred" the words "rupees eight hundred and fifty" shall be substituted			
9. The Kandla Dock Workers (Regulation of Employment) Scheme, 1969.		(i) in the first proviso to clause 6, the words "rupees one thousand two hundred and fifty" the words "rupees one thousand six hundred and fifty" shall be substituted;	11. The Calcutta Dock Workers (Regulation of Employment) Scheme, 1970.		(i) in the first proviso to clause 6, for the words "rupees one thousand two hundred and fifty and above" the words "rupees one thousand six hundred and fifty and above" shall be substituted;
		(ii) in clause 10, in sub-clause (l), in item (i), for the words "rupees one thousand" the words "one thousand and six hundred" shall be substituted;			(ii) in clause 10, in sub-clause (l), in item (i), for the words "rupees one thousand" the words "one thousand and six hundred" shall be substituted;

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		(iii) in clause 11, in item (f), for the words "seven hundred and fifty" the words "one thousand and two hundred and fifty" shall be substituted;
		(iv) in clause 12, in item (h) (iv) for the words "rupees five hundred and seventy five" the words "one thousand one hundred and fifty" shall be substituted;
		(v) in clause 12, in the proviso to item (h) (iv), for the words "rupees five hundred and seventy five" the words "rupees one thousand one hundred and fifty" shall be substituted.
12. The Calcutta Chipping and Painting Workers (Regulation of Employment) Scheme, 1970.		(i) in the first proviso to clause 6, for the words "rupees one thousand two hundred and fifty and above" the words "rupees one thousand and six hundred and fifty and above" shall be substituted;
		(ii) in clause 10, in sub-clause (1) in item (j) for the words "rupees one thousand and six hundred" shall be substituted;
		(iii) in clause 11, in item (f), for the words "rupees seven hundred and fifty" the words "rupees one thousand two hundred and fifty" shall be substituted;
		(iv) in clause 12, in item (h) (iv), (a) for the words "rupees five hundred and seventy five" the words "rupees one thousand one hundred and fifty" shall be substituted;
		(b) in the proviso for the words "rupees five hundred and seventy five" the words "rupees one thousand one hundred and fifty" shall be substituted.
13. The Calcutta Dock Clerical and Supervisory Workers (Regulation of Employment) Scheme, 1970.		(i) in clause 5, in the first proviso to sub-clause (4), for the words "rupees one thousand two hundred and fifty and above", the words "rupees one thousand and six hundred and fifty and above" shall be substituted.
		(ii) in clause 9, in the item (h) of sub-clause (1), for the words "rupees one thousand" the words "rupees one thousand and six hundred" shall be substituted;

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14. The Bombay Un-registered Dock Clearing and Forwarding Workers (Regulation of Employment) Scheme, 1973.		(i) in the first proviso to clause 5, for the words "rupees one thousand and above" the words "rupees one thousand six hundred and fifty and above" shall be substituted;
		(ii) in clause 7, in the item (1), for the words "not less than Rs. 1250/-" the words "not less than rupees one thousand and six hundred" shall be substituted;
		(iii) in clause 8, in sub-clause (1), in item (j),— (a) in sub-item (i), for the words "below rupees one thousand" the words "up to rupees one thousand and six hundred" shall be substituted;
		(b) in sub-item (ii) for the words "below rupees one thousand" the words "upto rupees one thousand and six hundred" shall be substituted;
		(iv) in clause 9, in item (e), for the words "seven hundred and fifty rupees" the words "rupees one thousand, two hundred and fifty" shall be substituted.

[File No. LDO/183/77-D.I].
C.B. BUDGUJAR, Director

नई दिल्ली, 4 अगस्त, 1980

का० खा० 2075.—केन्द्रीय सरकार, नौवहन विकास निधि समिति (सामान्य) नियम, 1960 के नियम 4 के साथ पठित व्यापार पोत अधिनियम, 1958 (1958 का 44) की धारा 15 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के नौवहन और परिवहन मंत्रालय के सचिव की श्री एम० व्हाई० रानाडे के स्थान पर 5 जून, 1980 से नौवहन विकास निधि समिति का सदस्य नियुक्त करती है और भारत सरकार के भूतपूर्व परिवहन और सवार मंत्रालय (परिवहन विभाग) (परिवहन पक्ष) की अधिसूचना संख्या मा० आ० 628, दिनांक 17 मार्च, 1959 में पुनः निम्नलिखित मशायन करती है, अर्थात्—

उक्त अधिसूचना में—

(क) प्रथम पैरा में, मद्र (1) और तत्संबन्धी प्रविष्टियों के स्थान पर निम्नलिखित मद्र और प्रविष्टियाँ रखी जाएँ :

"(1) सचिव, भारत सरकार,

नौवहन और परिवहन मंत्रालय, 5-6-1980"

(ख) दूसरे पैरा के स्थान पर निम्नलिखित पैरा रखा जाएँ :

"(2) भारत सरकार के नौवहन और परिवहन मंत्रालय के सचिव उक्त समिति के अध्यक्ष होंगे।"

[का० सं० एन डब्ल्यू/एम एम डी (24)/79-एम डी]

New Delhi, the 4th August, 1980

S.O. 2075.—In exercise of the powers conferred by Sub-section (1) of Section 15 of the Merchant Shipping Act, 1958 (44 of 1958), read with rule 4 of the Shipping Development Fund Committee

(General) Rules, 1960, the Central Government hereby appoints, Secretary to the Government of India in the Ministry of Shipping and Transport, as a Member of the Shipping Development Fund Committee with effect from the 5th June 1980 vice Sh. S.Y. Ranade, and makes the following further amendments in Notification of the Government of India in the late Ministry of Transport and Communications (Department of Transport) (Transport Wing) No. S.O. 628, dated 17th March, 1959, namely:—

In the said Notification—

- (a) In the first paragraph, for item (1) and the entries relating thereto, the following items and the entries shall be substituted:

“(1) Secretary to the Government of India, Ministry of Shipping and Transport, 5-6-1980”,

- (b) for the second paragraph, the following paragraph shall be substituted:

“(2) Secretary to the Government of India, Ministry of Shipping and Transport shall be the Chairman of the said Committee.”

[No.SW/MSD(24)/79-MD]

का० बा० 2076.—केन्द्रीय सरकार, नौवहन विकास निधि समिति (सामान्य नियम), 1960 के नियम 4 के साथ पठित व्यापार पोत अधिनियम, 1958 (1958 का 14) की धारा 15 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए विधि, न्याय और कम्पनी कार्य मंत्रालय, विधायी कार्यविभाग के संयुक्त सचिव और विधि सलाहकार श्री एस० के० बनर्जी को तत्काल नौवहन विकास निधि समिति के सदस्य नियुक्त करती है और भारत सरकार के भूतपूर्व परिवहन और संचार मंत्रालय (परिवहन विभाग) (परिवहन पक्ष) की अधिमूचना सं० सा०धा० 628, दिनांक 17-3-1959 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में,—

क्रम सं० 6 और तत्संबंधी प्रविष्टियों के बाद निम्नलिखित रखा जाए:—

“7 श्री एस० के० बनर्जी,
संयुक्त सचिव और विधि सलाहकार
विधायी कार्य विभाग,
विधि, न्याय और कम्पनी कार्य मंत्रालय,
नई दिल्ली।”

[सं० एस० डब्ल्यू०/एम० एम० डी० (24)/79-एम० डी०]
यावत्त बल बनकटा, प्रवर सचिव।

S.O. 2076.—In exercise of the powers conferred by sub-section (1) of Section 15 of the Merchant Shipping Act, 1958 (44 of 1958) read with Rule 4 of the Shipping Development Fund Committee (General) Rules, 1960, the Central Government hereby appoints Shri S.K. Banerjee, Joint Secretary & Legal Adviser, Department of Legal Affairs, Ministry of Law, Justice and Company Affairs, as member of the Shipping Development Fund Committee with

immediate effect and make the following amendments in the notification of the Government of India in the late Ministry of Transport and Communications, Department of Transport (Transport Wing) No. S.O. 628, dated 17th March, 1959 namely:—

In the said notification,—

After S.No.6 and entries relating thereto, following shall be inserted namely:—

“7, Shri S.K. Banerjee Joint Secretary & Legal Adviser, Department of Legal Affairs, Ministry of Law, Justice and Company Affairs, New Delhi.”

[No. SW/MSD(24)/79-MD]

Y. D. BANKATA, Under Secy.

निर्माण और आवास मंत्रालय

नई दिल्ली, 31 जुलाई, 1980

का०बा० 2077.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेवखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए नीचे सारणी के स्तम्भ (1) में उल्लिखित अधिकारी को जो सरकार के राजपत्रित अधिकारियों के समतुल्य पंक्ति का अधिकारी है, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है और आगे यह निर्देश देती है कि उक्त अधिकारी अपनी अधिकारिता की सीमाओं के भीतर उक्त सारणी के स्तम्भ (2) में विनिर्दिष्ट सरकारी स्थानों की बावत उक्त अधिनियम के द्वारा या उसके अधीन सम्पदा अधिकारी को प्रदत्त शक्तियों का प्रयोग करेगा और उस पर अधिरोपित कर्तव्यों का अनुपालन करेगा।

सारणी

अधिकारी का पदनाम	सरकारी स्थानों के प्रबंध और अधि-कारिता की स्थानीय सीमाएं
1	2
प्रबंधक, भारत सरकार पाट्य पुस्तक मुद्रणालय, मैसूर।	प्रेस कालोनी, मैसूर के भीतर स्थित प्रबंधक, भारत सरकार मुद्रणालय के प्रशासनिक नियंत्रणाधीन सरकारी स्थान, जिनमें भूमि और भवन भी हैं।

[फा० सं० डी-11031/2/80-मुद्रण]

बी० एस० टण्डन, डेस्क अधिकारी

MINISTRY OF WORKS AND HOUSING

New Delhi, the 31st July, 1980

S. O. 2077.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being an officer equivalent to the rank of gazetted officers of Government, to be estate officer for the purposes of the said Act and further directs that the said officer shall exercise the powers conferred, and perform the duties imposed, on estate officer, by or under, the said Act within the limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction.
(1)	(2)
The Manager, Government of India, Text Books Press, Mysore.	Public premises including land and buildings under the administrative control of the Manager, Government of India Press, situated within the Press Colony, Mysore.
[F. No. D-11031/2/80-Ptg.] B. S. TANDON, Desk Officer	

दिल्ली विकास प्राधिकरण

(सर्वेक्षण व निपटारा यूनिट-1)

नई दिल्ली, 25 जुलाई, 1980

कां.आ. 2078.—दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 22 की उपधारा (4) के अन्तर्गत केन्द्रीय सरकार ने भूमि एवं विकास कार्यालय, निर्माण एवं आवास मंत्रालय, भारत सरकार, नई दिल्ली के अधीन नीचे दी गई अनुसूची में निर्धारित भूमि के निपटान हेतु दिल्ली विकास प्राधिकरण को नियुक्त किया और अब यह भूमि रामाकृष्णापुरम, सेक्टर 9 नई दिल्ली में मनिपुर फार्म आर्ट्स सेंटर को स्थानान्तरित की जाती है।

अनुसूची

रामाकृष्णापुरम, सेक्टर 9 में इन्स्टीच्यूशनल एरिया में स्थित भूखण्ड सं. 6 साईट सं. 90 को अधिसूचना सं. एस.ओ. 4719 दिनांक 21 अगस्त, 1979 के अनुसार लगभग 220 वर्ग गज (लगभग 184 वर्ग मीटर) भूमि के भाग को दिखाया गया है।

उपर्युक्त भूमि की सीमा का विवरण इस प्रकार है :—

उत्तर.—सड़क

दक्षिण.—प्लाट सं. 5

पूर्व.—सड़क

पश्चिम.—कम्युनिटी सेंटर

[सं. एस. एंड एस. 33 (36)/79/एस.ओ. (1)/899-901]

DELHI DEVELOPMENT AUTHORITY
(Survey & Settlement Unit I)

New Delhi, the 25th July, 1980

S.O. 2078.—In pursuance of the provisions of Sub-section (4) of Section 22 of the Delhi Development Act, 1957 (61 of 1957), the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below for placing it at the disposal of the Land & Development Office, Ministry of Works & Housing, Govt. of India, New Delhi for further transfer to the Manipur Fine Arts Centre in R. K. Puram, Sector IX, New Delhi.

SCHEDULE

Piece of land measuring about 220 Sq. Yds. (about 184 SQM) situated in Institutional area in R. K. Puram-IX bearing Plot No. 6 Site No. 90/4719 Partly full of Notification No. S. O. 4719 Dated 21st Aug. 75.

The above piece of land is bounded as follows:—

North : Road

South : Plot No. 5

East : Road

West : Community Centre.

[No. S & S 33(36)/79/ASO(I)/899-901]

नई दिल्ली, 31 जुलाई, 1980

कां.आ. 2079.—दिल्ली विकास अधिनियम 1957 (1957 का 61) की धारा 22 की उपधारा (4) के अन्तर्गत केन्द्रीय सरकार ने भूमि एवं विकास कार्यालय, निर्माण एवं आवास मंत्रालय, भारत सरकार, नई दिल्ली के अधीन नीचे दी गई अनुसूची में निर्धारित भूमि के निपटान हेतु दिल्ली विकास प्राधिकरण को नियुक्त किया और अब यह भूमि साऊथ दिल्ली कैम्पस के लिए 'एजुकेशनल इन्स्टीच्यूशनल' क्षेत्र घोषित किया गया है।

अनुसूची

यूनिवर्सिटी एनक्लेव, धौला कुमा में स्थित भूखण्ड सं. साईट सं. 13 को अधिसूचना सं. एस.ओ. 1810 दिनांक 20-7-74 के अनुसार लगभग 30.96 एकड़ (लगभग 12.545 हेक्टेयर) भूमि के भाग को दिखाया गया है।

उपर्युक्त भूमि की सीमा का विवरण इस प्रकार है :—

उत्तर.—सरकारी भूमि

दक्षिण.—सड़क और डी.एम.सी. पार्क और स्पिंग बेल्स स्कूल

पूर्व.—कालिज

पश्चिम.—सरकारी भूमि और राम लाल भानन्द कालिज

[सं. एस. एंड एस. 33(15)/77/एस.ओ. (1)/918-20]

New Delhi, the 31st July, 1980

S.O. 2079.—In pursuance of the provisions of Sub-section (4) of Section 22 of the Delhi Development Act, 1957 (61 of 1957), the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below for placing it at the disposal of the Land & Development Office, Ministry of Works & Housing, Govt. of India, New Delhi for further transfer to the University of Delhi in Dhaula Kuan "Educational Institutional" area for its South Delhi Campus.

SCHEDULE

Piece of land measuring about 30.96 Acres (about 12.545 Hect.) situated in University Enclave, Dhaula Kuan, bearing Plot No. Site No. 13 partly]

full of Notification No. S.O. 1810 Dated 20-7-74.

The above piece of land is bounded as follows :—

North : Govt. land

South : Road & D. M. C. Park & Spring Dales School

East : College

West : Govt. land & Ram Lal Anand College.

[No. S&S 33(15)/77/ASO(I)/918-20]

कांआ० 2080.—दिल्ली विकास अधिनियम 1957 (अधिनियम 1957 का 61) की धारा 22 की उपधारा (4) के अन्तर्गत केन्द्रीय सरकार ने भूमि एवं विकास कार्यालय, निर्माण एवं आवास मंत्रालय, भारत सरकार, नई दिल्ली के आधीन नीचे दी गई अनुसूची में निर्धारित भूमि के निपटान हेतु दिल्ली विकास प्राधिकरण को नियुक्त किया और अब यह भूमि अरुणाचल प्रदेश सरकार को गैस्ट हाउस बनाने हेतु स्थानान्तरित की जाती है।

अनुसूची

कौटिल्या मार्ग में स्थित भूखण्ड सं० 13 साईट सं० 49 को अधिसूचना सं० एस०ओ० 1810 दिनांक 20-7-74 के अनुसार लगभग 2600.34 वर्ग गज (लगभग 2175.21 वर्गमीटर) भूमि के भाग को दिखाया गया है।

उपर्युक्त भूमि की सीमा का विवरण इस प्रकार है :—

उत्तर :—मन्दिर

दक्षिण :—प्लाट सं० 14/नाला

पूर्व :—

पश्चिम :—कौटिल्या मार्ग

[सं० एस० एंड एस० 33(12)/79/एस०ओ० (1)/915-917]

S. O. 2080.—In pursuance of the provisions of Sub-section (4) of Section 22 of the Delhi Development Act, 1957 (61 of 1957), the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below for placing it at the disposal of the Land & Development Office, Ministry of Works & Housing, Govt. of India, New Delhi for further transfer to the Govt. of Arunachal Pradesh for construction of Guest House.

SCHEDULE

Piece of land measuring about 2600.34 sq. yds. (about 2175.21 SQM) situated at Kautalya Marg, bearing Plot No. 13 Site No. 49 partly of Notification No. S.O. 1810 dated 20-7-74.

The above piece of land is bounded as follows:—

North : Temple

South : Plot No. 14/Nalla

East :

West : Kautalya Marg.

[No. S&S 33(12)/79/ASO(I)/915-917]

कांआ० 2081.—दिल्ली विकास अधिनियम 1957 (अधिनियम 1957 का 61) की धारा 22 की उपधारा (4) के अन्तर्गत केन्द्रीय सरकार ने भूमि एवं विकास कार्यालय, निर्माण एवं आवास मंत्रालय, भारत सरकार, नई दिल्ली के आधीन नीचे दी गई अनुसूची में निर्धारित भूमि के निपटान हेतु दिल्ली विकास प्राधिकरण को नियुक्त किया और अब यह भूमि वेस्टम और टीचर्स एसोसिएशन को के०जी० और जूनियर स्कूल हेतु स्थानान्तरित की जाती है।

अनुसूची

आर०के० पुरम, सेक्टर 3, नई दिल्ली में स्थित भूखण्ड सं० साईट सं० 60 को अधिसूचना सं० एस०ओ० 4719 दिनांक 21-8-75 के अनुसार लगभग 0.5 एकड़ (लगभग 0.202 हेक्टेयर (भूमि के भाग को दिखाया गया है।

उपर्युक्त भूमि की सीमा का विवरण इस प्रकार है :—

उत्तर :—नाला

दक्षिण :—सड़क (बाहरी रिंग रोड)

पूर्व :—खुला प्लाट (मैदान)

पश्चिम :—नाला/सड़क

[सं० एस० एंड एस० 33(38)/79/एस०ओ० (1)/912-14]

S.O. 2081.—In pursuance of the provisions of Sub-section (4) of Section 22 of the Delhi Development Act, 1957 (61 of 1957), the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below for placing it at the disposal of the Land & Development Office, Ministry of Works & Housing, Govt. of India, New Delhi for further transfer to the Parents & Teachers Association for K.G. and Junior School.

SCHEDULE

Piece of land measuring about 0.5 acres (about 0.202 Hec.) situated at R.K. Puram, Sector III, New Delhi.....bearing Plot No.....Site No. 60 partly of Notification No. S.O. 4719 dated 21-8-75.

The above piece of land is bounded as follows:—

North. By Nallah

South. By Road (Outer Ring Road)

East. Open plot (Ground)

West. Nalla/Road

[No. S&S 33(38)/79/ASO(I)/912-14]

नई दिल्ली, 2 अगस्त, 1980

कांआ० 2082.—दिल्ली विकास अधिनियम 1957 (अधिनियम 1957 का 61) की धारा 22 की उपधारा (4) के अन्तर्गत केन्द्रीय सरकार ने भूमि एवं विकास कार्यालय, निर्माण एवं आवास मंत्रालय, भारत सरकार, नई दिल्ली के आधीन नीचे दी गई अनुसूची में निर्धारित भूमि के निपटान हेतु दिल्ली विकास प्राधिकरण को नियुक्त किया और अब यह भूमि केन्द्रीय लोक निर्माण विभाग को रिहायशी यूनिट बनाने के लिए केन्द्रीय सरकारी कर्मचारियों हेतु स्थानान्तरित की जाती है।

अनुसूची

गाँव मोहम्मदपुर के दक्षिण में स्थित मूखण्ड सं०/साईट सं० 52 को अधिसूचना सं० एम० ओ० 4719, दिनांक 21-8-75 के अनुसार लगभग 8.80 एकड़ (लगभग 3.561 हेक्टेयर) भूमि के भाग को दिखाया गया है।

उपर्युक्त भूमि की सीमा का विवरण इस प्रकार है :—

उत्तर :—सड़क

दक्षिण :—सड़क

पूर्व :—सड़क

पश्चिम :—सड़क

[सं० एस० एंड एस० 33 (10) 76 ए० एस० ओ० (1)/942-44]
हरी राम गोयन, मणिव

New Delhi, the 2nd August, 1980

S.O. 2082.—In pursuance of the provisions of Sub-section (4) of Section 22 of the Delhi Development Act, 1957 (61 of 1957), the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the Schedule below for placing it at the disposal of the Land & Development Office, Ministry of Works & Housing, Govt. of India, New Delhi for further transfer to the Central Public Works Department for construction of residential unit for Central Govt. Employees.

SCHEDULE

Piece of land measuring about 8.80 acres (about 3.561 Hec.) situated at South of Village Mohammadpur bearing Plot No./Site No. 52 full of Notification No. S.O. 4719, dated 21-8-75.

The above piece of land is bounded as follows:—

North:	Road
South:	Road
East:	Road
West:	Road

[No. S&S 33(10)/76/ASO(I)/942-44]

H.R. GOEL, Secy.

MINISTRY OF LABOUR

New Delhi, the 19th July, 1980

S.O. 2083.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of Allahabad Bank, New Delhi and their workmen, which was received by the Central Government on the 10th July, 1980.

535 GI/80—7

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 77 of 1978

In re :

Shri Prem Singh,
Ex. Serviceman,
No. 2-VI/247,
Farash Bazar,
Mohalla Doongar,
Shahdara, Delhi-32.

... Petitioner

Versus

The Regional Manager,
Allahabad Bank,
Parliament Street,
New Delhi.

AWARD

The Central Govt. an appropriate Govt., vide its Order No. L-12012/36/78-D.I.A. dated the 18/23rd August, 1978 referred an Industrial Dispute u/s 10 of the I.D. Act, 1947 to this tribunal in the following terms:

“Whether the action of the management of Allahabad Bank, Parliament Street, New Delhi in denying employment as Cash Clerk to Shri Prem Singh w.e.f. 16-6-77 is legal and justified? If not, to what relief is the workman entitled?”

2. On receipt of the reference usual notices were sent to the parties. In pursuance whereof the parties put in their appearance and a statement of claim was filed on behalf of the workman. Thereafter, a written statement was filed by the Bank-Management and finally a replication was filed by the workman. Upon the pleadings of the parties the two following issues were framed vide my order dated 6-2-79:

1. Whether Shri Prem Singh is not qualified to be appointed as a cash clerk?

2. As in the order of reference?

3. Thereafter the Management applied for amendment of its written statement and the said amendment was allowed and following one more issue was framed vide my order dated 20-6-79 :

1. Whether the referred matter is not an Industrial Dispute ?

4. Thereafter the case was fixed for evidence of the workman and an affidavit was filed by the workman by way of his evidence and the case was adjourned for his cross-examination. But before he was cross-examined following statement of representatives of workman and the representative of the Bank was recorded on 10-10-79 :

"It is admitted that the workman was in consequences of an interview and written test appointed in the bank as cash clerk and had worked for only 4 days when his services were terminated allegedly on the ground that he had not produced certificate of educational qualifications. The documents filed by parties on record may be read into evidence with any formal proof which is waived. Parties be afforded opportunity for arguments."

5. In pursuance of this statement the arguments of the parties' representatives were heard. I have gone through the pleadings of the parties and have also gone through the documents filed by the parties and after giving my considered thought to the matter before me I have come to the following findings.

6. From the perusal of statement of claim it would be found that it is alleged therein by the workman that he was an Ex. Serviceman and the Allahabad Bank had requisitioned applications for appointment as cashiers or cash clerk from amongst Ex. Serviceman through the District Soldiers, Sailors and Army Board, Kashmeri Gate, Delhi and in pursuance thereof the workman had applied. As a result of said application the workman was required to this a test which he qualified and thereafter he was interviewed and finally an appointment letter was issued to him for one day only. Thereafter fresh appointment letter was issued but ultimately his services were terminated on the plea that he was not qualified to be appointed as a Cash Clerk. The contention of the Management in its written statement is that the workman had not passed the Matriculation Examination or High School Examination and as such was not qualified to be appointed as Cash Clerk. It is further stated by him that the workman had mis-represented that he had passed the said examination and was qualified to be appointed as Cash Clerk which was wrong and hence the termination was invalid.

Issue No. 1 :

It is in the light of these allegations that the documents placed upon record have to be considered. I will first consider issue No. 1 regarding the qualifications of workman to be appointed as cash clerk. The Management has filed Ex. M/2 which gives the

requisite qualifications for appointment as cashiers i.e. cash clerk and the said qualification is 'Under Graduates with a minimum of 50% of marks in the aggregate/High School or equivalent examination'. In the face of these qualifications if a person has qualified a High School examination or a equivalent examination he would be deemed to have hold qualification for appointment as a cash clerk. The Management has filed Ex. M/5 which is the attested copy of the School Leaving Certificate from Babu Ram Govt. Higher Secondary School, Shahdra, Delhi which shows that this workman had appeared in the Higher Secondary Examination held by the Board of Higher Secondary in April, 1954 and failed and that he was studying in XIth class of Higher Department. This implies that certainly this workman had passed the Xth class examination of Board of Higher Secondary Examination of Delhi. In fact to prove this fact the workman has filed copy of letter of the Deputy Secretary, Central Board of Secondary Education, New Delhi which grants recognition to the Xth class certificate from a Higher Secondary School in India as equivalent to the Matriculation Certificate for the purposes of employment under the Central Govt. The said letter is Ex. W/5. Once the Govt. of India, Ministry of Home Affairs, New Delhi recognises in consultation with UPSC Xth class certificate from a Higher Secondary School in India as equivalent to Matriculation Examination certificate of an Indian University for the purposes of appointment to the services and posts under the Central Govt. it will follow that for the purposes of appointment under the Allahabad Bank as well this qualification would stand good. In view thereof I do not see there is any weight in the examination of the Bank that the workman was not qualified to be appointed as cash clerk and accordingly this issue is decided against the Management and in favour of the workman.

Additional Issue No. 1 :

7. The representative of the Management has not been able to show as to how the matter under reference does not qualify as an Industrial Dispute. It is admitted that he was appointed as a cash clerk in consequence of his qualification, the written test and the interview. It is also admitted that thereafter his services came to an end and he was not permitted to continue in the service. That being the position, this denial of employment as cash clerk to the workman by the Management of Allahabad Bank amounts to termination of his services. Once a workman has been lawfully appointed his services can be terminated only in accordance with law and therefore this matter under reference covered by Sec. 2-A and qualified as an Industrial Dispute and I hold accordingly.

8. Issue No. 2 :

The workman has filed his affidavit duly sworn in support of his allegations. This statement on affidavit has not been denied. The witness was not even been cross-examined. From the perusal of the documents filed on record I find that the workman has filed Ex. W/1, school leaving certificate showing that he was qualified to be appointed as cash clerk. He has filed Ex. W/2 which is the certificate of his service in the Army and as such he qualified for the appointment. Ex. W/3 is the residence certificate of the workman. Ex. W/4 is the interview letter issued to the workman by the Bank. Ex. W/5 is the letter whereby recognition granted to the Xth class pass as equivalent to Matriculation pass by the Govt. of India. Ex. W/6 is the first appointment letter dated 13-6-77 issued for only two days. Ex. W/7 is the letter of appointment dated 15-6-77 issued for one day. Ex. W/8 is another letter of appointment dated 15-6-77 issued for two days. It was thereafter that letter dated 13-7-77 which is Ex. W/9 was issued alleging that Xth class pass not being eligible for the post of cash clerk. The workman cannot be appointed in the Bank's service. Ex. W/10 is the reply sent by the workman. Ex. W/11 is the reply of the Bank reiterating its early position. Ex. W/12 is the other letter sent by the workman and Ex. W/13 is yet another letter sent under Regd. A.D. to the Bank by the workman. Ex. W/15 is the attested copy of the certificate issued by the Babu Ram Higher Secondary School showing that the workman had passed Xth class Ex. W/14 is the letter from the Director of Education, Delhi Authorising the Heads of Higher Secondary Schools in Delhi to issue such like certificates. In the face of all these documents it is difficult to hold that the stand taken by the Bank that the workman was not qualified, was not justified. The allegation of the Bank that the workman had mis-represented his Educational qualifications does not stand proved and is rather belied by the documents above referred. The reference in para 5 of Ex. M/9 has to be read in the context of the workmen's other certificate submitted alongwith his application and if the same is read in that context it cannot be said that the workman had in my manner mis-represented his educational qualifications. Keeping in view all these facts I hold that the action of the Management of Allahabad Bank New Delhi in denying employment as cash clerk to Shri Prem Singh w.e.f. 16-6-77 was not legal and was not justified. As such the workman was entitled to his employment and shall be deemed to be in continued service/employment of the Bank from the date he was denied employment i.e., 16th of June, 1977. The Bank has not even remotely suggested that the post for which the workman had been appointed stood abolished.

Keeping in view all these facts it is awarded that the Management of Allahabad Bank was not justified in denying employment as cash clerk to Shri Prem Singh, w.e.f. 16.6.77 and the workman shall be deemed to have continued in the Bank's employment on usual pay and allowances and would also be entitled to the arrears of his wages from 16th June, 1977 till date. There is nothing as record to suggest even remotely that the workman was gainfully employed during this period. The workman would also be entitled to his costs of these proceedings which are assessed at Rs. 250.

Further ordered

That requisite number of copies of this award may be sent to the appropriate Govt. for necessary action at their end.

Dated the 29th May, 1980

[No. L- 12012/36/78-D.II (A)]

MAHESH CHANDRA, Presiding Officer

New Delhi, the 19th July, 1980

S. O. 2084.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the Industrial dispute between the employers in relation to the management of Punjab & Sind Bank and their workmen, which was received by the Central Government on the 10-7-80.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 59 of 1979

In re :

The General Secretary,
Punjab & Sind Bank Staff Union (Regd.),
75/3, Preet Nagar, Ladowali Road,
Jullundur-144001

....Petitioner

Versus

The Asstt. General Manager (Personnel),
Personnel Department,
Punjab & Sind Bank Ltd.,
H-11, Middle Circle, Connaught Circus,
New Delhi.

AWARD

The Central Govt. as appropriate Govt. u/s. 10 of the ID Act, 1947 referred an Industrial Dispute vide its order No L-12012/78/79-D.II.A. dated the 30th October, 1979 to this Tribunal in the following terms :

"Whether the action of the management of Punjab & Sind Bank Ltd. in withdrawing payment of Cashier allowance from Shri Mohinder Partap

Singh, Cashier-cum-clerk at Basti Badal Khel Branch of the Bank w.e.f. 15-9-78 is justified ? If not, to what relief is the workman concerned entitled ?”

2. On receipt of the reference usual notices were sent to the parties. Thereupon both the parties appeared and the workman was directed to file a statement of claim but rather than filing a statement of claim workman side absented, with the result that ex-parte proceedings were ordered against the workman side and the Management was directed to file its written statement. The written statement has been filed by the Bank and ex-parte evidence of the Bank has been recorded upon this written statement. I have gone through the written statement and the ex-parte evidence and have given my considered thought to the matter before me and I have come to the following findings.

3. From the perusal of the written statement filed by the Bank it appears that the Bank has contended that Shri Mohinder Partap Singh was working as clerk-cum-cashier at Branch Office, Basti Baba Khel and he was allotted the duties of cashier and was paid a special allowance of Rs. 33 in accordance with the provisions of Bipartite Settlement dated 19-10-66. It is further clear from the written statement of the Bank that this sanction was for working as clerk-cum-cashier and was of a temporary nature in accordance with the letter dated 30-12-77 of the Bank and it was accepted by Shri Mohinder Partap Singh as such and according to the Bank the special allowance was payable till the working would perform the duties of a cashier-cum-clerk and the said duties were later on allotted to some other cashier who started drawing the special pay of Rs. 33 and the payment of the said allowance to Shri Singh was stopped. Even though he continued to draw special allowance which was otherwise at the rate of Rs. 7 per month.

4. The Management has examined Shri Mohinder Singh, an Officer of the Personnel Department of the Bank who has supported the allegations made in the written statement of the Bank on affidavit. There is nothing either from the written statement of the Bank or from the ex-parte evidence of the Bank which goes to show that the Bank was not justified in its action. Copy of letter dated 30-12-77 has been filed on record which shows the temporary nature of allotment of duties to Shri Mohinder Partap Singh. The fact that said Shri Mohinder Partap Singh had noted this letter which shows from an endorsement purported to have been signed by Shri Mohinder Partap Singh on this very letter. In so far as the special allowance was paid for special additional duties performed by the workman and in so far as he duties was of a temporary nature it was open to

the Bank to withdraw the additional work and consequently once the work is withdrawn w.e.f. 15-9-78, Shri Mohinder Partap Singh would no longer be entitled to any cashier allowance over and above the amounts he was drawing and accordingly it is awarded, that the action of Management of Punjab & Sind Bank Ltd. in withdrawing the payment of cashier allowance from Shri Mohinder Partap Singh, cashier at Basti Badal Khel Branch of the Bank w.e.f. 15-9-78 is justified and that he was not entitled to any relief what-so-ever. The said action of the Bank Management is clearly in consequence with the terms of Bipartite Settlement dated 19-10-66. There is nothing in the said settlement or the Desai Award which presents the Bank authorities from temporarily allotting duties carrying special pay or allowance and then withdrawing the same duties. The workman is not entitled to any relief. Parties however are left to bear their own costs.

Further Ordered :

Requisite number of copies of this award may be sent to the appropriate Govt. for necessary action at the end.

Dated : the 26th May, 1980

MAHESH CHANDRA, Presiding Officer

[No. L-12012/78/79-D.II(A)]

New Delhi, the 4th August, 1980

S.O. 2085—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi, in the industrial dispute between the employers in relation to the management of Allahabad Bank, New Delhi and their workmen, which was received by the Central Government on the 24th July, 1980

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, NEW DELHI

I.D. No. 23 of 1977

In re :

The Secretary, Rajasthan Bank Employees' Union,
C/o Bank of Rajasthan, Clock Tower,
Udaipur-31300.

.....Petitioner

Versus

The Regional Manager,
Allahabad Bank, 17, Parliament Street,
New Delhi

....Respondent.

AWARD

The Central Govt. as appropriate Govt. vide its order No. L-12011/48/76-B.II. A dated the 28th February, 1977 referred an Industrial Dispute to this Tribunal u/s 10 of the I.D. Act, 1947 in the following terms :

‘Whether the action of the Allahabad Bank, 17, Parliament Street, New Delhi in not confirming S/Shri Hari Mohan, Sairmal and Bhanwar Singh, Peons in Udaipur Branch of the Bank in subordinate cadre with effect from 1-1-74 and also not paying their annual increments w.e.f 1-1-75 and 1-1-76 along with attendant benefits is justified ? If not, to what relief are the workmen entitled?’

2. On receipt of the reference usual notices were sent to the parties and the parties put in their appearance. A statement of claim was filed by the workman side and thereafter a written statement was filed by the Bank. Finally a replication was filed and the case was adjourned for documents. Before documents could be filed talk for compromise started between the parties and the case continued to be adjourned until 17th December, 1979 on which date the settlement having not been arrived at following one issue was framed.

Issue:

As in the order of reference

3. The case was then adjourned for evidence of the workman but before evidence of the workman could be recorded talk for compromise again started between the parties and today Shri P. N. Misra, an officer of the Establishment Department of the Bank has appeared and filed Ex. R/1 and Ex. R/2 and has stated further on oath that ‘we have agreed to pre-date the compromise. I tender into evidence Ex. R/1 and Ex. R/2 which are respectively signed by the Regional Manager of the Bank and the workman side in token of settlement of this dispute and a no dispute award be made.’

4. Today none has appeared on the workmen. In the circumstances of the case I have no reason to doubt the correctness of the statement of Shri P.N. Mishra as also the authenticity of Ex. R/1 and Ex. R/2 and in consequence a no dispute award is accordingly made in this reference leaving the parties to bear their own costs.

Further Ordered :

That requisite number of copies of this award may be sent to the appropriate Govt. for necessary action at their end.

MAHESH CHANDRA,
Presiding Officer
[No. L-12011(48)/76-D. II (A)]
S. K. BISWAS, Desk Officer

New Delhi, the 6th August, 1980

S.O. 2086.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Western Coalfields Limited, Headquarter Nagpur, and their workmen, which was received by the Central Government on the 28th July, 1980.

**BEFORE SHRI A. G. QURESHI, M.A., LL.B.,
PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR (M.P.)**

CASE NO. CGIT/LC(R) (30)/1979

PARTIES:

Employers in relation to the management of Western Coalfields Limited, Headquarter Nagpur (M.S.) and their workman, represented by the Western Coalfields Employees Association, Arun Bhaban, Temple Bazar Road Behind Super Market, Sitabuldi, Nagpur (M.S.)

APPEARANCES:

For Union	Shri M.A. Rawal, General Secretary.
For Management	S/Shri P. S. Nair, Advocate and R. K. Mehta, Personnel Manager.

INDUSTRY: Coal	DISTRICT: Nagpur (M.S.)
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A W A R D

The Government of India, Ministry of Labour, in exercise of the powers conferred by Clause 10(1) (d) of the Industrial Disputes Act, 1947 (14 of 1947), has referred the following dispute to this Tribunal, for adjudication, vide Order No. L-18012(16)/79-D. IV(B) dated 19th October, 1979:—

“Whether the action of the management of Messrs Western Coalfields Limited in stopping Shri Ashok Tulshiram Ramteke from working with effect from 1st November, 1977 in their data processing installation, Hill Road, Nagpur was justified. If not, to what relief is Shri Ashok Tulshiram Ramteke entitled?”

2. On receipt of the reference order dated 19th October 1979, the parties were noticed to file their respective written statements, rejoinders and documents etc. Both the parties to the dispute filed their written statements on 21-1-1980 and rejoinders on 28-2-1980. Thereafter the parties took several adjournments for filing of documents and their admission and

denial. On 23-6-1980 none appeared for the Union but Counsel for the Management, Shri P. S. Nair, submitted that the negotiations to settle the dispute are in progress mutually and sought a short adjournment for filing the Memorandum of Settlement. Hence a short adjournment was granted and the case was fixed for 3-7-1980. Ultimately on 3-7-1980 S/Shri R.K.Mehta, Personnel Manager and M.A. Rawal, General Secretary of the Union appeared and the Memorandum of Settlement dated 23rd/26th June 1980 duly verified it before me and requested that an award in terms of the statement may be passed.

3. I have persued the terms of the settlement by which the Management has agreed to give mining job in any of the coal mines of the Western Coalfields Limited to the workman concerned, Shri Ashok Tulshiram Ramteke, in accordance with the National Coal Wage Agreement-II Wages, in full and final settlement of this claim. The workman and the Union accepted the aforesaid offer of the management and have further agreed not to claim any other relief i.e. back wages, promotion or continuity of services etc. from the management. The above mentioned terms of settlement appear to be fair, reasonable and beneficial to the workman. As such I give my award in terms of the settlement arrived at between the parties. The Memorandum of Settlement shall form part of the Award.

23-7-1980

A. G. QURESHI,

Presiding Officer.

[No. L. 18012/16/78-D.IV (B)]

S. S. MEHTA, Desk Officer

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL- CUM- LABOUR
COURT, JABALPUR

CGIT/LC/R/30/79

Western Coalfields Ltd.Nagpur Management
Vs.

Western Coalfields Employees Employee
Association, Nagpur

The Central Govt. by their order dated 19th October 1979 made the following reference to this Hon'ble Tribunal, for adjudication:—

"Whether the action of the management of M/s. Western Coalfields Ltd. in stopping Shri Ashok Tulshiram Ramteke from working with effect from 1st Nov. 1977 in their Data Processing Installation, Hill Road, Nagpur, was justified. If not, to what relief is Shri Ashok Tulshiram Ramteke entitled?"

After the reference was made to the Central Govt. Industrial Tribunal, the representatives of Western Coalfields Employees Association, Nagpur and Shri Ashok Tulshiram Ramteke approached the Management for sympathetic consideration of this case. Consequently, the parties entered into a discussion without prejudice to their respective contentions. The parties have decided to settle the dispute amicably in the interest of industrial peace, on the following terms:—

Terms of settlement:

The management of Western Coalfields Limited will give mining job in any of the coal mines of W.C.L. to Shri Ashok Thulshiram Ramteke, in accordance with the N.C.W.A.-II Wages, in full and final settlement of claims of Shri Ashok Thulshiram Ramteke. Shri Ashok Thulshiram Ramteke and the Union accept the above offer of the management in full and final settlement of their claim. After the settlement, the workman will not claim any other relief, back wages, promotion or continuity of service etc. from the management.

The parties shall file copies of the settlement before the Central Government Industrial Tribunal, Jabalpur, and pray for an Award in terms of the settlement.

sd/-

(M. A. Rawal)

General Secretary Addl. Chief Personnel Manager

WCL Employees Association

for workman.

sd/-

(J. Sharan)

W. C. L.

For Management.

Nagpur.

Dt. 23rd/26th June 1980

Withesses :

1. Sd/- (Ashok Ramteke)

2. Sd/- (Illegible)

Sd/-

A. G. Qureshi.

Presiding Officer.

नई दिल्ली, 1 अगस्त, 1980

का० प्रा० 2087.—केन्द्रीय सरकार, संविदा श्रमिक (विनियमन और उत्पादन) केन्द्रीय नियम, 1971 के नियम 3 के साथ पठित संविदा श्रमिक (विनियमन और उत्पादन) अधिनियम, 1970 (1970 का 37) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय संविदा श्रमिक सलाहकार बोर्ड को पुनर्गठित करती है, जिसमें निम्नलिखित सदस्य शामिल होंगे, प्रस्तावित:—

1. श्री पी० एस० हबीब मुहम्मद, पदेन अध्यक्ष
संयुक्त सचिव,
श्रम मंत्रालय,
नई दिल्ली

2. मुख्य अमायुक्त (केन्द्रीय) पदेन सदस्य
नई दिल्ली।

3. मुख्य अधिवक्ता (उत्तरी क्षेत्र) केन्द्रीय सरकार का प्रतिनिधित्व
केन्द्रीय लोक निर्माण विभाग,
नई दिल्ली। करने वाले सदस्य

4. निदेशक, सिविल इंजीनियरिंग, रेल मंत्रालय (रेलवे बोर्ड), नई दिल्ली।	रेलवे का प्रतिनिधित्व करने वाले	16. सेक्रेटरी, फेडरेशन ऑफ आल इंडिया हिन्दुस्तान कन्स्ट्रक्शन वर्कर्स यूनियन, 9, सैयद अमीर अली एवेन्यू, कलकत्ता-700017	ठेकेदारों के अधिकारों का प्रति- निधित्व करने वाले
5. निदेशक (वाणिज्यिक), रेल मंत्रालय (रेलवे बोर्ड), नई दिल्ली।	रेलवे का प्रतिनिधित्व करने वाले	17. श्री बी० आर० शिवाकर कमरा नं० 36, तृतीय तल, जाधेरी हाउस, डा० बाटलीवाला, परेल, बम्बई-400012	ठेकेदारों के अधिकारों का प्रतिनिधित्व करने वाले
6. मुख्य कार्मिक अधिकारी, राष्ट्रीय खनिज विकास निगम और केन्द्रीय प्रभाग, कोल माइन्स अधीनस्थ, रांची।	कोयला खानों के नियोजकों का प्रतिनिधित्व करने वाले	[संख्या एस० 16025/36/74-एल० डब्ल्यू० बोल्डूम II] ए० पूनन, उप सचिव	
7. अध्यक्ष (औद्योगिक संबंध), राष्ट्रीय खनिज विकास निगम लि०, मुकारामजाबी रोड, पो० बॉक्स नं० 195, हैदराबाद।	कोयला खानों से भिन्न खानों के नियोजकों का प्रतिनिधित्व करने वाले	New Delhi, the 1st August, 1980	
8. श्री टी० आर० गोयनका, गोयनका मिनरल्स (प्रा०) लिमिटेड 1362, वेस्ट हाई कोर्ट रोड, पो० बॉक्स नं० 271, नागपुर-440010	कोयला खानों से भिन्न खानों के नियोजकों का प्रतिनिधित्व करने वाले	S.O. 2087—In exercise of the powers conferred by section 3 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1979), read with rule 3 of the Contract Labour (Regulation and Abolition) Central Rules, 1971, the Central Government hereby reconstitutes, the Central Advisory Contract Labour Board, consisting of the following members, namely :—	
9. अध्यक्ष, केन्द्रीय भवन निर्माता (बिल्डर्स) एसोसिएशन, कनाट प्लेस, नई दिल्ली।	निजी क्षेत्र के ठेकेदारों का प्रति- निधित्व करने वाले	1. Sh. P.S. Habeeb Mohamed Ex-Officio Chairman Joint Secretary, Ministry of Labour, New Delhi.	
10. अध्यक्ष निदेशक, राष्ट्रीय भवन निर्माण निगम लि०, 44, रिंग रोड, लाजपत नगर, नई दिल्ली।	सार्वजनिक क्षेत्र के ठेकेदारों का प्रतिनिधित्व करने वाले	2. Chief Labour Commis- Ex-Officio Member sioner (Central), New Delhi.	
11. जनरल सेक्रेटरी, वश्रिण पूर्व रेलवेमैन कांग्रेस, गोरखा लाइन, साउथ जेन रोड, विशाखापत्तनम-4	रेल कर्मचारियों का प्रतिनिधित्व करने वाले	3. Chief Engineer (Northern Member represent- Zone), Central Public Works Department, New Delhi.	ing the Central Government.
12. अध्यक्ष, आल इंडिया रेलवेमैन फेडरेशन, रामकृष्ण एवेन्यू, पटना-4	रेल कर्मचारियों का प्रतिनिधित्व करने वाले	4. Director, Representing the Civil Engineering, Ministry of Railways (Railway Board), New Delhi.	Railways.
13. जनरल सेक्रेटरी, भारतीय राष्ट्रीय खान क्रमिक फेडरेशन, राजेन्द्र पथ, धनबाद।	कोयला खानों के कर्मचारियों का प्रतिनिधित्व करने वाले	5. Director, (Commercial) Representing the Ministry of Railways (Railway Board), New Delhi.	Railways
14. जनरल सेक्रेटरी, पमपोश मजदूर यूनियन, शकधर राउरकेला-5, जिला सुन्दरगढ़ (उड़ीसा)।	कोयला खानों से भिन्न खानों के कर्मचारियों का प्रतिनिधित्व करने वाले	6. Chief Personnel Officer, Representing the National Mineral Develop- ment Corporation and Central Division of Coal Mines Authority, Ranchi.	employers in coal mines.
15. कार्यकारी अध्यक्ष, भारतीय खान क्रमिक महासंघ, नागपुर।	कोयला खानों से भिन्न खानों के कर्मचारियों का प्रतिनिधित्व करने वाले	7. Manager (Industrial Representing Relations), National Mineral Development Corporation Ltd., Mukaramjahi Road, P.B. No. 195, Hyderabad.	employees in mines other than coal mines.

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| 8. Shri T.R. Goenka,
Goenka Minerals (Pvt.)
Ltd., 1362, West High
Court Road, P.B. No. 271
Nagpur-440010. | Representing
employers in mines
other than coal
mines. |
| 9. President, Central Builders
Association, Connaught
Place, New Delhi. | Representing Con-
tractors in Private
Sector. |
| 10. Managing Director,
National Building Con-
struction Corporation Ltd.
44, Ring Road, Lajpat
Nagar, New Delhi. | Representing Public
Sector contractors |
| 11. General Secretary,
South East Railwaymen's
Congress, Gorkha Line,
South Jail Road,
Visakhapatnam-4. | Representing
employees in
Railways. |
| 12. President,
All India Railwaymen's
Federation,
Rama Krishna Avenue,
Patna-4. | Representing
employees in
Railways. |
| 13. General Secretary,
Indian National Mine
Workers' Federation,
Rajendra Path, Dhanbad. | Representing
employees in
coal mines. |
| 14. General Secretary,
Pamposh Mazdoor Union,
P.O. Rourkela-5
Distt. Sundergarh (Orissa). | Representing
employees in mines
other than coal
mines. |
| 15. Working President, Indian
Mines Workers' Federation
Nagpur. | Representing
employees in mines
other than coal
mines. |
| 16. Secretary, Federation of
Ail India Hindustan
Construction Workers'
Union, 9, Syed Amir Ali
Avenue, Calcutta-70017. | Representing
Contractors'
Employees. |
| 17. Shri B.R. Shivankar,
Room No. 36, IIIrd
Floor, Zaveri House,
Dr. Batliwala, Parel,
Bombay-400012. | Representing
Contractors'
Employees. |

[No. S-16025/36/74-LW Vol. II]
A. POONEN, Dy. Secy.

New Delhi, the 2nd August, 1980

S.O. 2088—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New

Delhi, in the industrial dispute between the employers in relation to the management of Bhakra Beas Management Board and their workmen, which was received by the Central Government on the 23rd July, 1980.

**BEFORE SHRI MAHESH CHANDRA, PRESI-
DING OFFICER, CENTRAL GOVT. INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT
NEW DELHI.**

I.D. No. 48 of 1978

Shri Jarnail Singh c/o Shri Lal
Singh Sachdeva, 153-A, Shanti
Kunj, Kapurthala Road, Jullun-
dur. ... Petitioner

Versus

The Chairman,
Bhakra Beas Management Board,
Sector-35, Chandigarh. .. Respondent

AWARD

The Central Govt. as appropriate Govt. vide its order No. L-42012/(57)/77-D.II(B) dated the 24th May, 1978 made a reference in the following terms u/s 10 of the I.D. Act, 1947 to this Tribunal.

'Whether the section of the Management of the Bhakra Beas Management Board in terminating the services of Shri Jarnail Singh, Work Mistry with effect from the afternoon of the 14th October, 1976, is justified? If not, to what relief is the said workman entitled?'

2. On receipt of the reference usual notices were sent to the parties whereupon a statement of claim was filed on behalf of the workmen. Thereafter a written statement was filed by the Management and finally a replication was filed. Upon the pleadings of the parties following issues were framed vide my order dated the 2nd December, 1979 :

1. Whether the Chairman of the Bhakra Management Board is a necessary party? If so, its effect?
2. Whether statement of claim is lead for want of verification?
3. Whether the reference is bad?
4. As in order of reference.

3. Regarding issue No. 2 it was ordered on the same date that in so far as strict rules of procedure of civil court are not applicable to this Tribunal it would be appropriate to get statement of claim was got verified and consequently issue No. 2 had become infructuous. Thereafter case was adjourned for evidence of the remaining issues. The parties representatives stated that they do not propose to lead any evidence and consequently the statements of parties representatives were recorded on 6th January, 1979.

Thereafter request was made by the workmen side to lead his evidence which was granted, and case was adjourned to 4th June, 1979 on which date none appeared for the Management and ex-parte proceedings were ordered against the Management and ex-parte evidence of the workmen was recorded. Thereafter an application was moved on behalf of the Management for setting aside the ex-parte order which application was in course of time allowed and the workman was cross examined on 23-2-1980 and thereafter the evidence of the Management was recorded which consists of statement of Shri T.L. Jain, SDO as M.W.1 apart from certain documents. I have heard arguments of the parties and have given my considered thought to the matter before me and have come to the following findings upon these issues.

4. Issue No. 1

This issue was treated as preliminary and was decided vide my order dated the 6th January, 1979 and it was decided in favour of the workman and it was ordered that the reference as it stands already is competent and no other party need be made a party.

5. Issue No. 3

Nothing has been brought on record to suggest as to why the reference is bad. The service of this workman Jarnail Singh were terminated and it cannot therefore be said that the matter under reference is not an Industrial Dispute. A perusal of Section 2-A would show clearly that the matter under reference is an Industrial Dispute. It cannot be said that it has not in view of the evidence led on record that the workmen side had not raised a dispute with the Management rather copy of the letter raising the dispute is filed on record and is marked 'X' in the statement of the representative of the Management which itself shows that the dispute was in fact raised with the Management and it also cannot be said that the reference is bad on this score. From whichever angle I may consider the matter before me it cannot be said that the reference is bad and accordingly this issue is decided in favour of the workmen and against the Management.

6. Issue No. 4 :

The contention of the workman is that he was engaged on annual basis as work mistry vide letter dated 1-6-76 while one Shri Jasbir Singh was selected for seasonal post, that Shri Jarnail Singh was alone appointed as work mistry vide posting order dated 16-6-76; that the services of Shri Jarnail Singh were terminated w.e.f. 14-10-76 without any justification and the said termination was illegal as a person junior to the workman Jarnail Singh was retained in service and hence it is claimed that he should be deemed to have continued in service.

7. The facts as stated by the workman have not as such been denied by the Management. What is alleged by the Management is that the appointment of the workman was for a fixed period and it was not renewed after 14-10-76 when it came to an automatic end and as such the termination was valid.

8. The workman in his statement as W.W.1 has stated that he was recruited by the respondent on 1-6-76 vide letter Ex. W/1 and he was senior most but his services were terminated vide office order Ex. W/2 and therefore the principle of first come last go was violated in his case and as such his retrenchment was invalid and he was entitled to be reinstated. This workman was cross examined on behalf of the Management on 23-2-80 and nothing material was brought out in his statement to suggest that he was not appointed as stated by the workman in his statement or that his services were not terminated as alleged by him. From the perusal of the documents produced by the workman it is established beyond any shadow of doubt that he was appointed on annual basis. A reference in this behalf may be made to letter Ex. W/7 which is dated 1-6-76 addressed to Rattan Lal Kaith, the Personnel Officer of Bhakra Beas Management Board by the Executive Engineer, Hydrology Cell on 1st June, 1976. This letter is admitted by the representative of the Management. A perusal of this letter does show that four persons were selected in order of merit and Shri Jarnail Singh was the first in the merit list and Shri Jasbir Singh was the last on the list. This letter further shows that Shri Jarnail Singh was required to be offered the post of work mistry on annual basis while the remaining three posts were seasonal. It was in pursuance thereof that this workman was appointed and the said appointment letter is Ex. M/1. From the perusal of letter Ex. M/1 it cannot be said that the post offered to him was not regular one rather in first para of the said letter it is mentioned that the post is work charged and terminable on 10 days notice in the first two years of service. This implies that the post was a regular one otherwise. Even though the appointment was initially upto 15-7-76, thereafter the services of this workman were extended vide Ex. R/2 till 14-10-76 and on that day he was relieved by one Jasbir Singh vide office order Ex. W/2. When I consider letter Ex. W/7 in the context of letter Ex. W/2 I find that certainly the principle of first come and last go has been violated in the present termination while services of Shri Jasbir Singh who was the last in the order of merit in Ex. W/7 were retained and the services of Shri Jarnail Singh the first in the said list have been terminated. No reason whatsoever has been assigned for the said termination. There is nothing to suggest that any notice as required was given to him or pay in lieu of the said notice was paid to this workman.

From the perusal of the statement of M.W. 1 the witness of the Management it cannot be said that he has been able to improve upon the situation. His statement does not in any manner help the Management. Mere fact that this workman was absent for about 3 days from 24-8-76 to 26-8-76 would not justify the present termination in as much as no reason for termination has been given. It is admitted by M.W. 1 during cross examination that no enquiry was held before his services were terminated. It is also admitted that no disciplinary action was taken against the workman in consequence of charge Ex. W/3 to Ex. W/7. It was also admitted by this witness that Shri Jasbir Singh referred to at Sl. no. 4 of Ex. W/7 was still in service and his post was still continuing on. It is further admitted that Shri Jarnail Singh and Shri Jasbir Singh were both recruited as work mistry. Keeping in view all these facts it cannot be said that the termination of services of Shri Jarnail Singh was regular or justified. It was in violation of principle of law laid in section 25-G of the I.D. Act in so far as he was the first to be recruited vide Ex. W/7 and as such he should have been the last to go and accordingly I hold that the termination of his services was not valid and justified and accordingly he is entitled to be reinstated and therefore it is awarded that the section of the Management of Bhakra Beas Management Board in terminating the services of Shri Jarnail Singh work mistry w.e.f. afternoon of 14-10-76 is not justified and as such he is entitled to reinstatement. The Bhakra Beas Management Board is directed to reinstate the workman forthwith. However in view of the fact that the workman has not led any evidence to show that he remained un-employed during the period his services remained terminated or that he had made any genuine efforts to secure any employment during this period I do not think that it would be appropriate for me to award the workman full wages for this period and rather it is directed that the workman shall be entitled to 1/4th of his wages and allowances for the period 15th October, 1976 to date of actual reinstatement and resumption of duty. The workman would also be entitled to the costs of these proceedings which are assessed at Rs. 250.

Sd/-

MAHESH CHANDRA, Presiding Officer

[No. L—42012(57)/77—D. II(B)].

Dated : the 26th June, 1980.

S. S. BHALLA, Desk Officer,

New Delhi, the 31st July 1980.

S.O. 2089.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi in the industrial dispute between the employers in relation to the management of M/s. Roop Narain Pandey, Tilak Nagar, Jaipur (Rajasthan) and their workmen, which was received by the Central Government on the 23rd July, 1980.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI.

I.D. No. 61 of 1979

In re :

The President,
Pathar Khan Mazdoor Sangh, Near New Railway Colony, Kota, Rajasthan.

.... Petitioner

Versus

M/s. Roop Narain Pandey,
D-28, Santipath, Tilakanagar,
Jaipur, Rajasthan.

.... Respondent

AWARD

The Central Govt. as appropriate Govt. vide its order No. L-29012/7/79-D. III (B) dated the November, 1979 referred an Industrial Dispute u/s 10 of the Industrial Dispute Act, 1947 to this Tribunal in the following terms :

“Whether the action of the management of M/s. Roop Narain Pandey, Mine Owners, Karauli, District Sawaimadhopur (Rajasthan) in stopping Shri Murari Lal Sharma, Supervisor from work w.e.f. 10th May, 1978 without notice pay or payment of compensation for the service from December, 1974 till 30th April, 1978 is justified. If not, to what relief is the workman entitled ?”

2. Upon receipt of the reference it was ordered to the registered and usual notices were sent to the parties while at no point of time none appeared for the workman side. The counsel for the Management appeared and as the workman side was absent inspite of service ex-parte proceedings were ordered against the workman side and a statement of claim was filed by the Management and case was adjourned

for ex-parte evidence. Before ex-parte evidence could be recorded it was stated on behalf of the Management that the matter under reference has been compromised between the parties and a compromise was filed. The said compromise is contained in document Ex. C/1 and Ex. C/2 which are photostat copy of the original and the statement of Shri B. M. Pandey and Shri Purshotam were recorded which reads as under :

“The matter under reference has been compromised between the parties vide C/1 and C/2 which are photostat copies of the settlement. We have brought the original today. A no dispute award be made in this matter.”

3. The matter under reference has been compromised between the parties vide Ex. C/1 and Ex. C/2 which are photostat copies of the settlement. A no dispute award should therefore be made in this reference. In pursuance of the settlement recorded above, a no dispute award is hereby made in this reference leaving the parties to bear their own costs.

Sd/-

Mahesh Chandra, Presiding Officer
Central Govt. Industrial Tribunal
New Delhi.

[No. L—29012/7/79—D. III B]

Dated : the 14th July, 1980.

New Delhi, the 4th August, 1980

S. O. 2090.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal cum-Labour Court, New Delhi in the industrial dispute between the employers in relation to the management of Shri Ramjidas Ramrichpal, Mine Owner, Morak and their workmen, which was received by the Central Government on the 23rd July, 1980.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

I.D. No. 9 of 1980

In re :

The President,
Rashtriya Mazdoor Sangh.
Ramgunjmandi, District Kota,
Rajasthan.

.... Petitioner

Versus

Shri Ramjidas Ramrichpal, Quarry Owners,
Morak, District Kota, Rajasthan. Respondent

AWARD

The Central Govt. as appropriate Govt. vide its order No. L. 29011/17/79-D. III (B) dated the 14th February, 1980 referred an Industrial Dispute in the following terms u/s 10 of the I.D. Act, 1947 to this Tribunal :

“Whether the following demands of the workers employed in the Pipekheri Limestone Mines of M/s. Ramjidas Ramrichpal, Morak Station, District Kota, are justified ? If so, to what relief the workman are entitled” :—

- (i) Revision of daily wage of unskilled workers from Rs. 5.80 to Rs. 6.60 per day.
- (ii) Demand for enhancement of the rate of stone cutters from Rs. 7.25 per 107 sq. ft. of stone cut to Rs. 8.25 per 100 sq. ft. of stone cut.
- (iii) Provision of medical facilities.
- (iv) Supply of flooring stone and chingari (broken pieces) at 50% of the cost to the workers for construction of their houses.
- (v) Payment of children education allowances.
- (vi) Payment of bonus at the rate of 20% of the wages for the account year 1977-78.

2. On receipt of the reference it was ordered to be registered and usual notices were sent to the parties whereupon a settlement was filed in this matter on behalf of the parties by Shri Ram Gopal Gupta. I have perused the compromise and find that it is for the benefit of the workmen and accordingly compromise was recorded and statement of Shri Ram Gopal Gupta was recorded. Statement of said Shri Ram Gopal Gupta reads as follows :

“The parties have in the matter compromised vide settlement S/1 which is signed by Shri

Mauji Das in my presence. I am attesting witness thereof. An award in terms of the award be made."

3. In view of the statement recorded above an award in terms of settlement Ex. S/1 is hereby made in this reference. This settlement Ex. S/1 would form part of this award. Parties are however left to their own costs.

Further Ordered :

That the requisite number of copies of this award may be sent to the appropriate Govt. for necessary at their end.

Sd/-
MAHESH CHANDRA,
Presiding Officer
[No. L. 29011/17/79-D. III (B)]

Dated : the 7th July, 1980.

समझौता पत्र
फार्म "एच"
(रेखिए नियम 58)

प्रबंधक प्रतिनिधि :—

1. श्री रामजीदास
श्री रामजीदास रामरिछपाल जी
लाईम स्टोन खदान मालिक पीपाखेड़ी
मुकाम मोड़क स्टेशन जिला कोटा
(राजस्थान)

यूनियन प्रतिनिधि :—

1. रामदेवा देवबक्शा जी,
उपाध्यक्ष,
राष्ट्रीय मजदूर संघ, रामगंजमण्डी
2. श्री गोरीशंकर बैसला,
जनरल सैक्रेटरी,
राष्ट्रीय मजदूर संघ, रामगंजमण्डी

विवाद का संक्षिप्त विवरण

1. राष्ट्रीय मजदूर संघ (इल्क) रामगंजमण्डी ने अपने पत्र क्रमांक 286/1978 दिनांक 5-10-78 द्वारा एक 25 सूत्रीय मांग पत्र खदान मालिक श्री रामजीदास रामरिछपाल जी को दिया गया था जिस पर समझौता नहीं होने के कारण यह विवाद राष्ट्रीय मजदूर संघ द्वारा सहायक श्रम आयुक्त (केन्द्रीय) कोटा को भेज दिया गया था जिस पर श्रीमान सहायक श्री आयुक्त केन्द्रीय कोटा ने दोनों पक्षों में समझौता करने का प्रयास किया लेकिन समझौता नहीं हो सका और उन्होंने 25 सूत्रीय मांग पत्र में से 6 मांगें भारत सरकार के श्रम विभाग को अपनी शिफारिशों के साथ प्रेषित कर दी। भारत सरकार के श्रम विभाग के अवसर सचिव द्वारा 14 फरवरी 1980 को एक आवेदन द्वारा सेंट्रल गर्वनेट इन्डस्ट्रियल ट्रिब्यूनल कम लेबर कोर्ट दिल्ली को निम्नलिखित मांगें निर्णयार्थ भेज दी गयीं। जिसकी अनुसूची निम्न प्रकार है।

1. प्रतिदिन की मजदूरी 5.80 पैसे से बढ़ा कर रुपये 6.60 अकुशल श्रमिकों को देने बाबत।
2. कारीगरों की न्यूनतम मजदूरी 7.25 (सात रुपये पच्चीस पैसे) 107 वर्ग फुट के बजाये 100 फुट पर 8.25 के बाबत।
3. चिकित्सा सुविधा के बारे में नियम बनाना।

4. 50 प्रतिशत (पच्चास प्रतिशत) कीमत पर मजदूरों को मकान बनाने हेतु जिनगारी एवं पत्थर उपलब्ध कराना।
5. मजदूरों के बच्चों को शिक्षा ग्रहण करने के लिये छात्रवृत्ति देना।
6. सन् 1977-78 का बोनस 20 प्रतिशत की हिसाब से बोनस भुगतान करना।

2. माननीय प्रेसाइडिंग आफिसर माहब सेंट्रल इन्डस्ट्रियल ट्रिब्यूनल कम लेबर कोर्ट नई दिल्ली द्वारा उक्त अनुसूची पर यूनियन से दिनांक 8 अप्रैल सन् 1980 को स्टेटमेंट आफ क्लेम प्रस्तुत करने के लिए नोटिस जारी किया गया और मजदूर संघ द्वारा क्लेम ट्रिब्यूनल को रजिस्टर्ड ए० डी० द्वारा दिनांक 5-4-80 को भेज दिया गया। और उसकी एक प्रति खदान मालिक को भी भेज दी गई।

3. यह कि स्टेटमेंट आफ क्लेम यूनियन द्वारा प्रस्तुत करने पर मालिकों की ओर से मुद्दा आया कि दोनों पक्ष बैठ कर आपस में उक्त अनुसूची पर फैसला करके माननीय प्रेसाइडिंग आफिसर स० सेंट्रल गर्वनेट इन्डस्ट्रियल ट्रिब्यूनल कम लेबर कोर्ट नई दिल्ली को भेज दिया जावे जिस पर दोनों पक्ष एवाइड प्रकाशित करने की भी प्रार्थना करें तथा काफी बहस के बाद निम्न समझौता सम्पन्न किया गया।

समझौता की शर्तें

1. अनुसूची की क्रम संख्या 1 पर दोनों पक्षों में विचार विमर्श हुआ और तय हो पाया कि खदान मालिक 1-10-78 से ही अकुशल श्रमिकों को 5-80 प्रतिदिन के बजाय 6.50 (छः रुपये पच्चास पैसे) प्रति-दिन के हिसाब से मजदूरी भुगतान करेंगे।

2. अनुसूची की क्रम संख्या 2 को पर दोनों पक्षों द्वारा विचार किया गया और तय पाया कि 107 वर्ग फुट पत्थर कटाई पर कारीगरों को 7.25 के स्थान पर 8/— (आठ रुपये) प्रति 107 वर्ग फुट पत्थर कटाई पर दिनांक 1-10-78 से ही भुगतान किया जावेगा।

3. अनुसूची की क्रम संख्या 3 पर दोनों पक्षों में विचार विमर्श किया गया और तय पाया कि भविष्य में चिकित्सा सुविधा की खदान पर-संघ सहमति लेकर पूर्ण व्यवस्था कर दी जावेगी।

4. अनुसूची की क्रम संख्या 4 पर दोनों पक्षों में विचार विमर्श हुआ और तय हो पाया कि जो भी श्रमिक व कर्मचारी अपने मकान बनाना चाहता है। उसको 50 प्रतिशत कीमत पर जिनगारी एवं पत्थर पक्षों से जावेगी बशर्ते उसे ग्राम पंचायत, अथवा नगर पालिका का प्रमाण पत्र प्रस्तुत करना होगा।

5. अनुसूची की क्रम संख्या 5 पर दोनों पक्षों में विचार विमर्श हुआ और तय हो पाया कि मजदूरों के बच्चों को शिक्षा ग्रहण करने के लिए छात्र वृत्ति किताबें व फीस की रकम पक्के बिल व फीस की रसीद देने पर दिया जावेगा। यह छात्र वृत्ति की राशि कक्षा 8 वीं तक के ही छात्रों को दी जावेगी।

6. अनुसूची की क्रम संख्या 6 पर दोनों पक्षों में विचार विमर्श हुआ कि सन् 1977-78 का बोनस आय व्यय के हिसाब को यूनियन प्रतिनिधियों को वेगा जिससे वह सन्तुष्ट हैं और खदान मालिक द्वारा जो 9 प्रतिशत के हिसाब से दिया गया उससे सघ के प्रतिनिधि सन्तुष्ट हैं। इसलिए इस मांग पर 9 प्रतिशत हिसाब से सन् 1977-78 के बोनस दिया जाना तय किया गया।

4. उक्त समझौता दिनांक 1-10-78 से ही प्रभावशील होगा। दोनों पक्षों में तय पाया कि इस समझौते के आधार पर 1 माननीय प्रेसाइडिंग आफिसर स० सेंट्रल इन्डस्ट्रियल ट्रिब्यूनल कम लेबर को

नई दिल्ली से प्रार्थना की जावे कि उक्त समझौते के आधार पर ही इस कैस में एवार्ड प्रदान कर दोनों पक्षों को अनुग्रहीत करने की कृपा करें। यह समझौता दोनों पक्ष उप डिस्ट्रीक्ट मजिस्ट्रेट, रामगंजमण्डी के यहां प्रमाणित करवा कर भेजेंगे।

यह समझौता दोनों पक्षों द्वारा अच्छे औद्योगिक संबंध बनाये रखने के लिये किया गया है।

हस्ताक्षर प्रबंधक प्रतिनिधि ह०/— (रामजीदास)	हस्ताक्षर यूनियन प्रतिनिधि ह०/— (रामदेवा वैभवकाश)
रामजीदास रामरिछपाल जी, लाईम स्टोन खदान मालिक पीपाखेडी मुकाम मोड़क स्टेशन जिला कोटा (राज०)	उपाध्यक्ष, राष्ट्रीय मजदूर संघ, रामगंजमण्डी ह०/—

2. (गोरीशंकर बैसला),
जनरल सेक्रेटरी,
राष्ट्रीय मजदूर संघ, रामगंजमण्डी
ह०/—

1. गवाह : (गोविन्दराम)
दिनांक 12-5-80
ह०/—
(ज्वाला प्रसाद शर्मा)

2. गवाह (राम गोपाल गुप्ता)
एन्डस्टीफाइड
ह०/—
(दुर्गाप्रसाद भार्गव, एन्डकोर्ट)

परगना अधिकारी,
रामगंज मण्डी
प्रतिनिधि वास्ते सूचनार्थ रजिस्ट्रेशन हेतु—
परगना अधिकारी,
रामगंज मण्डी

- (1) श्रीमान सचिव महोदय, श्रम मंत्रालय, नई दिल्ली।
- (2) श्रीमान मुख्य श्री आयुक्त महोदय, नई दिल्ली।
- (3) श्रीमान रीजनल सेक्टर कमिशनल सा० भारत सरकार, अजमेर
- (4) श्रीमान सहायक श्रम आयुक्त महोदय, कोटा (राज०)

New Delhi, the 7th August, 1980.

S.O. 2091.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute, between the employers in relation to the management of Limestone Quarry of Sone Valley Portland Cement Company Limited, P.O. Baulia, District Rohtas and their workmen, which was received by the Central Government on the 21st July, 1980.

BEFORE SHRI J. P. SINGH, PRESIDING OFFICER : CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. (2) AT DHANBAD REFERENCE NO. 53 OF 1979.

In the matter of an industrial dispute under S. 10(1)(d) of the I. D. Act, 1947.

PARTIES:

Employers in relation to the management of the limestone quarry of Sone Valley Port Land Cement Company Limited Post office Baulia, District Rohtas

AND

Their workmen.

APPEARANCES:

On behalf of the employers (1) Shri S. B. Sanyal, Advocate, and
(2) Shri N. C. Ganguly, Advocate.

On behalf of Baulia Quarries Mazdoor Sangh. Shri B. Lal, Advocate.
On behalf of Baulia Quarries Rastriya Mazdoor Seva Sangh Shri Jay Krishna, Advocate.

State: Bihar.

Industry : Limestone Quarry.

Dhanbad, 16th July, 1980

AWARD

This is a reference under Section 10 of the I.D. Act, 1947. The Central Government by its notification No. L- 29011 (57) /74- LRIV dated 17th December, 1974 has referred this dispute to this Tribunal for adjudication of the following terms :

SCHEDULE

“Whether the demand of the workmen of the Limestone quarry of the Sone Valley Port Land Cement Company Limited, Post office, Baulia, District Rohtas for implementation of the recommendations of the Second Cement Wage Board and the Reddy Award and the grant of Interim Relief is justified ? If so, to what relief and from what date are the workmen entitled ?”

2. The dispute leading to this reference was raised by the vice President, Baulia Quarries Mazdoor Sangh through their letter dated 1-10-74 addressed to the Secretary (Works), Sone Valley Port Land Cement Co. Japla. The demand was for implementation of the recommendations of the 2nd Cement Wage Board, Reddy Award, Interim Relief, Payment of bonus for the years 1968 to 1973 etc. threatening that the union would resort to strike w.e.f. 16-10-1974 in case the demands were not fulfilled by the management. A copy was sent to the Assistant Labour Commissioner (C), Kadam Kua, Patna-3 which was received by him on 7-10-74 and thereafter notice of conciliation was issued to both the parties viz. Union and the management to attend conciliation proceeding in his office on 11-10-74. Shri P.C.Jain, Secretary (Works) S.V.P.C. Ltd. and Shri Jadu Bans Singh, Vice President, Baulia Quarries Mazdoor Sangh attended the conciliation proceeding. The management was not prepared to accept the demand of the union and therefore the conciliation proceeding ended in failure. The parties were requested to agree to refer the dispute to voluntary arbitration either under the I. D. Act or under the Code of Discipline in Industry. The union agreed but the manage-

ment did not agree on the ground that the management had no capacity to pay. On receipt of failure report, the Ministry of Labour, Government of India, made this reference for adjudication to the Central Govt. Industrial Tribunal (No.2), Dhanbad which was registered as Reference No. 36/74 on 24-12-74. This case was transferred to Central Govt. Industrial Tribunal (No. 3)D, Dhanbad during March, 1977 and registered as Reference No. 6/77. This case was again re-transferred to this Tribunal on 5-7-79 and registered as Reference No. 53/79. The case was coming as part heard from before and since then the evidence has been completed and arguments of parties have been heard. After the close of the hearing the parties were requested to submit short notes incorporating the substance of their arguments and these have been kept on the record of this case in a separate folder. Since the record has become bulky I have taken time to go through the record and to consider the points raised by the parties in their written notices.

3. In the course of this proceeding a petition was filed on 19-6-75 by the Baulia Quarries Rastriya Mazdoor Seva Sangh praying for impleading them as party in this reference. The parties were heard and by order dated 15-7-75 the Baulia Quarries Rastriya Mazdoor Seva Sangh was added as a party. The management and both the unions have filed their written statement. I will briefly state the case presented by the parties for consideration in this reference. The management in its written statement detailed the history of Sone Valley Port Land Cement Co. which has not been disputed. It was incorporated in 1921 under the Companies Act, 1913. The limestone quarries near about Baulia were acquired about that time. There is unity of control, management and finance of the factory and the quarries. This cement company is one of the oldest cement factories in Bihar. The management has changed several times from the time of its inception. The wages in the cement industry were regulated by bi-partite settlements until 1959. The recommendations of the First Cement Wage Board were brought into operation from 1-1-1960. Amongst other matters it was recommended that the wage scales suggested in the report should apply to quarries attached to the cement factories (Captive quarries). As per the recommendations of the First Cement Wage Board the matter was taken up by individual factories adopted by local agreements and settlements with local variations. The SPVCC on the one hand and its union in the factory at Japla and the union in its quarries at Baulia on the other also entered into settlement to accept the recommendations of the First Cement Wage Board subject to the modification contained in the agreements. The agreements relating to the quarries at Baulia were made on 28-4-1964.

4. According to the management the wage bill of SVPCC on account of adoption of the recommendations of the First Cement Wage Board was very much raised so that the finance of the company was put to enormous strain. Since 1968 the management started incurring losses continuously. The recommendations of the Second Cement Wage Board were made in 1967 and again on industry-wise basis the different manufacturers arrived at individual settlements with their unions for implementing the same with effect from 13-2-1968. But the SVPCC unable to shoulder the heavy burden of the First Cement Wage Board, found it impossible to take upon itself any further burden arising under the recommendations of the Second Cement Wage Board. Consequently, there was no settlement between the industry and the different unions on the recommendations of the Second Cement Wage Board. To add to the misery of the company, captive quarries known as Rutar Collieries had been nationalised. These collieries used to meet 50% of the coal requirements of the factory. The company was compelled to purchase coal in the open market at a higher price to run the factory.

5. The limestone quarries lying round about Baulia are to the west of Japla intervened by river Sone. Baulia is in the district of Rohtas while Japla lies in the Palamau district. For transport of the quarried limestone the management owns a system of ropeways over approximately 8 kms. partly running over the river Sone. This considerably lowers the cost of transport.

6. Since there was no settlement with regard to the recommendations of the Second Cement Wage Board, the workmen of the factory went on strike with effect from 14-10-1970. Consequently, the quarrying of limestone had to be suspended and the workmen of Baulia quarries were laid off with effect from 16-10-1970. From 14-11-1970 the management decided to declare a lockout in the factory and with effect from 26-12-1970 the management declared the closure of the factory and quarries and a large number of workmen were thrown out of employment. The State Government intervened on 1st February, 1971. The Bihar Cabinet considered the possibility of opening the factory and quarries and decided to grant certain facilities to the management and undertook to move the Central Government for increase in the retention price of cement commensurate with the cost of production of cement. On 4th February, 1971 in anticipation of the help promised by the State Government and the assurance in respect of the rise in the retention price of cement, the management agreed as an ad-hoc measure to re-open the factory and keep it running for a period of three months only. Accordingly on 5th February, 1971 the closure was lifted and the industry and quarries commenced working from 6th February, 1971. The Central Government refused to raise the retention price and the Bihar Government's promise in respect of other facilities was not implemented and therefore on 1st May, 1971 the management of the factory was compelled to declare for the second time a complete closure. In the meantime the Central Government

had directed a cost audit of the SVPCC for the years 1969 and 1970. The cost of production of cement was assessed at Rs. 117.24 per tonne for the year 1969 and Rs. 134.15 per tonne for the year 1970 against the cost of retention price of Rs. 100 per tonne of cement. The Cost Auditor also reported that there was nothing which the management could do to reduce the cost of production. According to the management the Cost Auditors did not take into account the additional burden caused by the Bonus Act, 1965 or the implications of the recommendations of the Second Cement Wage Board. The Tariff Commission had been set up by the Government of India on Cement Industry. The workmen of the factory made several written and personal representations to the Tariff Commission that the company was suffering heavy losses due to the heavy cost in production and therefore should be granted special retention price for the cement produced by it. The workmen's representative also represented the matter during the course of public hearing of the Tariff Commission held at Bombay in May, 1973. On account of several approaches made to the management by the officers of the Central and State Governments, different trade unions, the management was persuaded to reconsider its decision on the closure of the factory. By agreement dated 27-5-1972, the SVPCC Staff Association and the Japla Labour Union agreed to accept the wages based on the First Cement Wage Board. In particular they agreed to freeze the VDA payable to them at the rate prevailing on 1-5-1971 when the factory was closed. In effect the salary agreed upon was lower than what they were getting at the time on ad-hoc basis. There were series of discussions between the management and the officers of the State Government, Central Government, representative of financial institutions culminating in the State and Central Government assurances on 15-6-1972. The management was persuaded to lift the closure which it did on 19-6-1972. On 1-7-1972 the Baulia Quarries Mazdoor Sangh, the union representing the workmen in this reference, also came to a settlement incorporating by adoption exactly the same terms on which the SVPCC Staff Union and the Japla Labour Union had come to a settlement with the management regarding lifting the closure. The workmen in the factory and in quarries started working w.e.f. 5-7-1972. The settlements dated 27-5-1972 for the factory and 1-7-1972 for the quarries were agreed to be binding on the parties for a period of two years. At the end of two years, the Staff Association and the Labour Union in the factory came to a fresh settlement binding on them till 31-12-76 on the same terms with minor modifications. One of the modifications is a rise of a total sum of Rs. 73 in the still frozen VDA for a further period ending with 31st December, 1976. It was acknowledged in the settlement that the financial losses were in spite of the increased production and due to the steep rise in the prices of materials and the unremunerative retention price fixed by the Government of India. The settlement with the Baulia Quarries Mazdoor Sangh dated 1st July, 1972 ceased to be operative from 5-7-1974 i.e. for two years from the date of the opening of the factory. According to the management it did not lose its binding character in accordance with Section 19 of the I.D. Act as it was never terminated

by a two months' notice. Yet there is no renewal of the agreement as in the case of the factory. The Vice-President of the Baulia Quarries Mazdoor Sangh on 1-10-1974 sent a notice of demand enclosing a notice of strike to commence from 15th October, 1974. The conciliation machinery of the Central Government immediately took up the matter. The union postponed its strike from 16-10-1974 to 4-11-1974, and thereafter to 26-11-1974. The strike however commenced on 30-11-1974. The management sent information to the Government on 16-12-1974 of an intending closure w.e.f. 15th February, 1975. On 17-12-1974 the management laid off some of such categories of employees of the quarry whose work was not necessary though they were not on strike. On 17-12-1974 the present reference was made, followed by a second reference on 13-1-1975. In the second reference all strikes and lock-outs were prohibited. The strike was lifted on 20-1-1975 and the closure notice was withdrawn on 22-1-1975.

7. The main case of the management is that it has incurred losses continuously since 1968 and was not in a position to undertake to pay any sum in addition to what was being paid under circumstances and for any reason stated above. The management felt that it may have to close down the industry. The losses year after year had been occasioned by the high cost of materials and services as well as the ever rising wage bill and the low retention price of cement as declared by the Central Government which was responsible for not even covering the cost of production. The State Government and the Central Government did not help as promised to tide over the financial difficulties of this industry. The management has acknowledged that the workers engaged in this industry had made some sacrifices knowing full-well the difficulties through which the management was passing in maintaining the industry. The management's grievance is that the workmen of the Baulia Quarries suddenly took a totally unsympathetic and unrealistic view of the matter giving rise to a dispute ending in this reference.

8. The management have categorised six points due to which losses occurred in spite of the best efforts of the management. It is reproduced below :

- (i) Worn out and delapidated condition of the plant and machinery.
- (ii) Multiplicity of units. There are 4 kilns having total capacity of 700 tonnes while economic plant has been adjudged of one kiln having capacity of 1000 tonnes.
- (iii) The employment is five times higher than the average employment in the cement industry of India and 7/8 times higher in comparison to the factories set up recently and having more modern machinery, equipment and organisation.

- (iv) The raw material consumption is about 1.64 per tonne of cement in comparison to 1.55 per tonne in other factories.
- (v) The coal consumption is 40% against All-India average of 28%.
- (vi) The cost of repairs and maintenance is very high due to the frequency of break-downs and worn out conditions of the plant.

9. The management has taken the plea that due to the aforesaid inherent difficulties there is no possibility of rationalisation or reduction in cost. The Tariff Commission has determined the cost of salary/wages as Rs. 23 per tonne of cement on the basis of All-India average compared to about Rs. 50 per tonne of cement of S.V.P.C. Co. Ltd. on the existing level of wages being paid in the company. On the basis of these facts the management in their written statement have stated that the demand of the workmen as mentioned in this reference cannot be justified.

10. The workmen represented by Baulia Quarries Mazdoor Sangh have in their written statement accepted the history of the case as presented in the written statement of the management. With regard to the agreement between the management and the Baulia Quarries Mazdoor Sangh it was stated that the agreement expired on 30-6-74 calling for a fresh agreement concerning wages and other demands. The management at the time of conciliation refused to concede more than they had conceded in their agreement with the union of factory workers at Japla which is affiliated to INTUC. Under the agreement a total emolument to a lowest paid worker was Rs. 255.46 per month as against Rs. 432 per month to such a worker in all other factories and limestone quarries in India under the Second Cement Wage Board and the Government Award known as Reddy Award. According to the union the workers suffered a loss of Rs. 176.54 per month due to an agreement between the INTUC Union leaders and the management which was not acceptable to the Baulia Quarries Mazdoor Sangh. The freezing of VDA on and from 1st September, 1974 was another heavy loss to the workers. The workmen were however prepared for bi-partite talk as well as of conciliation but the management took an adamant attitude resulting into ultimate strike in the quarry. The strike was however withdrawn when this and another reference was made to the Tribunal by the Government of India, Ministry of Labour. It was further stated that there was a closure by the company resulting into agreements both at Japla and Baulia of June and July, 1972. In order to induce the management to reopen the factory after the closure, the Government of India gave a concession in the form of allowing the com-

pany to use old gunny bags for packing cement which amounted to Rs. 16 per ton of cement produced and the Bihar Government allowed to the company to make deferred payment of Government dues which amounted to Rs. 12 per ton of cement produced. The workers and their union agreed to leave out Rs. 4 from their wages—all these constituting Rs. 32 to make up the loss that the company claimed in the production of per ton of cement. Calculating thus the deductions agreed to by the workers amounted to Rs. 3 lacs from the wages of the workers on a minimum production of 1 lac thousand ton of cement per year. In other words, the deduction meant a loss of Rs. 38 per month from the wage of each lowest paid worker. It has been stated that on a perusal of the two agreements of 1972 and September, 1974 will reveal that the 1st agreement provided for payment of wages according to the First Cement Wage Board on a production of 1,90,000 ton and the Second Wage Board on a production of 2,20,000 ton and Rs. 10,000 for a production of every thousand tons of additional cement produced, while the Second agreement of September, 1974 raised this norm from 2,20,000 ton to 2,40,000 ton. This has been regarded by the workmen as atrocity on the part of the management in raising the norm of production and freezing the VDA and thus putting them to a loss of Rs. 176.54 for every worker. According to the workmen the increase in the emolument of a cement workman given by the Cement Wage Boards or the Reddy Award is totally covered by an increase in the price of cement, entitling on financial loss on the management. It has been stated that the cement produced in the factory in the year 1973-74 is 2,69,000 tons which is a figure never reached by the factory ever since its birth in 1919. It was therefore stated that there was no question of loss to the company. For the above reasons the workmen have demanded answering of the reference in their favour.

11. Both parties filed rejoinder harping on the same points which need not be repeated. But I would like to mention that by the order of this Tribunal Baulia Quarries Rastriya Mazdoor Seva Sangh was added as a party. This union was required to file a written statement which was never filed. There was some sort of an agreement between this union and the management subsequently which may account for not filing any written statement. But at the time of hearing this union has also contested the management and has desired that the reference should be answered in favour of the workmen.

12. The management examined MW. 1, Shri A.K. Choudhury, head clerk in the quarry office of SVPCC. He has been working since 1944 and has given the history of this case. According to him

the strength of permanent workmen in the quarry was 1400. The number of casuals was 39 and there were about 800 workmen of the Baulia Cooperative Society contractors. With regard to the raising capacity he has said that at the time of reference it was to the extent of 900 metric tons of lime stone per day. He has spoken about the closure of the factory and the quarry and also about re-opening etc. His evidence is that there was a loss of Rs. 12,00,000/- in 1974 and Rs. 77,00,000/- in 1975. In 1976 the loss went up to Rs. 78,50,000/-. His evidence is that from 1968 onwards the company continued running in loss. He has also spoken about Government intervention in 1977 to reopen the factory and also about the financial assistance to the extent of Rs. 46,45,000/- in July, 1977. He has proved the settlement between the management and the union, Ext. M 13. With regard to the quarry he has stated that the cost of production in the quarry is Rs. 35/- per metric ton since the quarry is being worked for the last 56 years and the volume of overburden is about 200 feet. There has been progressive increase in the cost of production per metric ton. He has said that in the course of official visit to Banjari quarry he ascertained that 900 persons were working there and their raising capacity is 1500 metric ton. For the lack of funds the management was unable to pay wages regularly and sometimes there was accumulation of arrears for six months or so. Similarly for lack of funds they were not able to purchase spares and even stationery. His evidence is that unless the retention price is increased the management is unable to meet the loss. He has referred to Ext. M. 14 and has said that the interim relief of Rs. 25/- shown separately has been merged with the basic of Rs. 295.10. According to him the basic and other allowances under the Reddy Award will be Rs. 347.10 instead of Rs. 372.10 and similarly the per day wages would come down to Rs. 13.15 instead of Rs. 14.31. He has also proved Ext. M 15 which is a letter from the Government of India. He has also proved Annual Reports and Accounts of Kalyanpur Lime and Cement Works for the year 1976 which has been marked Ext. M. 16.

13. MW. 2 Shri Dharendra Kumar Verma happened to be a Senior Accounts Officer. He has supported the case of the management giving details. Similarly MW. 3 Shri Govardhan Pd. Singh, Assistant Labour Officer of the company has said about the strength of the Baulia quarry workers and also about the raising capacity.

14. On behalf of the workmen Shri Jadu Bans Singh, WW. 1 was examined and Shri Sati Sankar Sharma who represents the added union as also

examined himself. I will if necessary refer to their evidences in course of discussion, briefly stating they have given their reasons for acceptance of the 2nd Cement Wage Board recommendations, the interim relief granted by the Prime Minister and the Reddy Award.

15. So far as documentary evidence is concerned, the management has filed all the relevant papers. We have Annual Reports ranging from 1969 to 1975 which are Exts. M1 to M7. On behalf of the workmen the Annual Reports ranging from 1966 to 1975 are Exts. W. 4 to W.7/3. Ext. -M 1/8 is Profit & Loss Account for the period ending 31-7-76 and Ext. M2 is an extract of loss accounts suffered by the management from 1968 to 1974. Ext. M 3 is a settlement between Japla Labour Union and the management dated 27-5-72. Ext. M 3/1 is a memorandum of settlement between Staff Association and the management dated 27-5-72. Ext. M3/1(a) is a memorandum of settlement between Baulia Quarries Mazdoor Sangh and the management dated 1-7-72. Ext. M 3/2 is a memorandum of settlement dated 28-7-75 between the management and the workmen represented by Baulia Quarries Rastriya Mazdoor Seva Sangh. Ext. M 3 is a memorandum of settlement between Japla Labour Union and the management dated 9-9-74. Ext. M 3/4 is a memorandum of settlement arrived at in course of conciliation proceeding held by Shri L.D. Singh, Deputy Commissioner of Labour, Govt. of Bihar, Patna. Ext. M 3/5 is another settlement dated 9-9-74. Ext. M 3/6 is a memorandum of settlement arrived at between the management and the Staff Association, Japla. Ext. M 4 is wage sheets for the month of October, 1974. Ext. M 5 is wage sheet for the month of July to September, 1975 together with arrears as per agreement dated 28-7-75. Ext. M 6 is cost estimates of lime stone. Similarly Ext. M 7 is a statement of cost of lime stone for the year 1970-71 and 1971-72. Ext. M 8 is Tariff Commission report. Ext. M 9 is the Cost Audit statement for the years 1967 to 1970. Ext. M10 is First Cement Wage Board Report and Ext. M10/1 is the Second Cement Wage Board Report. Ext. M 11 and Ext. M 11/1 are two letters of the management. Ext. M 12 is a statement of the cost of company's cement for the year 1971 and 1972 as assessed by Tariff Commission. Ext. M 13 is a bi-partite agreement dated 11-7-77. Ext. M 14 is a chart showing minimum wages payable to unskilled employees as in October 1973 at Baulia. Ext. M 15 is a letter from the Government of India, Ministry of Labour to the President, Cement Manufacturers Association, Bombay. Ext. M 16 is Annual Report of Account of 1961 in respect of Kalyanpur Lime and Cement Works

Ltd. Ext. M 17 is another statement showing the cost of production, retention price and losses between 1968 and November, 1977. Ext. M 18 is a joint application on behalf of the SPVCC and the workmen represented by Baulia Quarries Rastriya Mazdoor Seva Sangh. On behalf of the workmen some more documents besides Annual Reports have been proved. Ext. W. 1 is interim relief award given by Shri Raghunath Reddy, Union Labour Minister. Ext. W. 2 is dated 1-10-74 which is a strike notice. Ext. W. 3 is dated 5-10-74 from Shri Jadubans Singh to Secretary (Works) SVPCC. Ext. W 8 is workers representation to the General Secretary, Baulia Quarries Mazdoor Sangh. Ext. W. 9 is a letter addressed to the Manager, Limestone quarries, Baulia by Shri Jadubans Singh. Ext. W. 10 dated 7-11-74 addressed to the Labour Minister, Government of India by Shri Jadubans Singh. Ext. W.11 is an extract of resolution passed at the 24th Annual Conference of Indian National Cement & Allied Workers Federation on 7th & 8th December, 1974. Ext. W. 12 shows the retention price of cement allowed by the Government of India.

16. From our brief presentation of the case and evidence of the parties—both oral and documentary it will appear that so far as the facts of the case is concerned there is hardly any difference between the parties. The workmen in substance have the grievance that all the cement factories except Sone Valley implemented the recommendations of the Second Cement Wage Board recommendations. They have also pointed out that the cement industry was not happy with the recommendations of the Second Cement Wage Board and raised a "Charter of Demands" and gave a call for nation-wide strike from 14-8-72. When the strike was on the then Prime Minister, Smt. Indira Gandhi intervened and declared interim increase of wages of Rs. 25/- per month per worker w.e.f. 1-6-72 and the strike was then called off. But since this increase was by way of interim relief a bi-partite wage Negotiation Committee was set up by the Government of India to evolve a suitable wage structure for the cement industry. The committee failed to reach a settlement even with regard to minimum wages. Following the failure of the bi-partite committee both parties agreed to leave the matter for decision by the then Union Minister for Labour Shri K.V. Raghunath Reddy. Shri Reddy gave his award on 15-3-73. This award gave an increase of Rs. 76.29 per month per workers and raised the basic including D.A. to Rs. 295.10 per month. The award further said that the D.A. would be revised every quarter according to the rise or fall in the CPI at the rate of Rs. 1.30 for each point of rise or fall in the average quarterly index. In the meantime since the management of SVPCC had not implemented the recommendations of Second

Cement Wage Board, there was a strike by the workmen of the factory and the management declared lock-out and afterwards closure of both the factory and the quarry. At the intervention of the Government of Bihar a conciliation settlement was arrived at on 4-2-71 and according to the settlement the management agreed to pay to the workers the revised wages as recommended by the Second Cement Wage Board on 6-2-71. It was also agreed that the payment of arrears wages according to the Second Cement Wage Board would depend upon the increase in retention price of cement. The management paid the workers both of factory and quarry in accordance with the recommendations of the Second Cement Wage Board for sometime. But thereafter closed the factory on various pleas. The Government again intervened and a settlement was arrived at both at the factory and the quarry on 27-5-72 and 1-7-72 respectively and the working of the factories and quarries was started from 5-7-72. From the workers point of view the aforesaid settlements were made and the workmen were compelled to accept the reduced wages and were denied the recommendations of the Second Cement Wage Board which they were receiving earlier. The management did not give the interim relief granted by the Prime Minister nor the benefits of the Reddy Award. In this reference the workmen have demanded the implementation of the recommendations of the Second Cement Wage Board, the interim relief allowed by the Prime Minister and the relief allowed under Reddy Award.

17. More precisely speaking that the adjudication in this reference relates to the following:

- (a) Implementation of the recommendation of the Second Cement Wage Board which came into effect on 13-2-68;
- (b) Grant of interim relief which is known as Prime Minister's interim relief of Rs. 25/- per month with effect from 1-6-72; and
- (c) Reddy Award which came into operation from 15-9-1973 merging D.A. with the basic wage and pegging the V.D.A. at Index 227 base year 1960 and merging the V.D.A. as it stood in June, 1973, with the basic wage and every rise thereafter at Rs. 1.30 per point in the rise of price index.

18. When the recommendations are converted into actual payment, it would be as follows:

	1st Wage Board.	2nd Wage Board	2nd Wage Board including interim relief of Prime Minister (Rs 25/-).	Reddy Award.
Basic	62.00	61.10	61.10	295.10
D.A.	31.50	87.50	87.50	D.A.
				merged
H.A.	7.50	13.00	13.00	13.00
V.D.A.	73.86	56.62	56.62	39.00
			I.B. 25.00	25.00
Total	164.86	218.22	243.22	372.10
Per day	6.34	8.39	9.35	14.31

19. The management from 16-12-79 is paying @Rs. 368.58 per month to each workman. It is an admitted position that the factory and the quarry at the present moment are working on the aforesaid basis.

20. Now turning to the main question involved in this reference, we have to bear in mind the law on the subject. The Cement wage Board recommendations are not statutory and they are only the recommendations. It is not *if-so-facto* applicable to an establishment as it has to be implemented by an agreement by the management and the union, or by an adjudication proceeding. The Cement Wage Board recommendations were made on 13-2-68 and this reference was made for adjudication in the year 1974. The Cement Wage Board recommendations can be called a fair wage. The upward revision of the same is the revision of fair wage. The Courts have laid down that in revising fair wage, the capacity of an establishment is a most essential consideration, the criteria laid down in revision of wage structure in *Ahmedabad Millowner's Association-vs. The Textile Labour Association* (AIR 1966 SC 497-1966 (1) LLJ. 1 is worth noting "The task of constructing a wage structure of industrial employees is very responsible task which presents several difficult and delicate problems—the problems of additional burden that such wage structure would impose upon the employer and ask itself whether the employer can reasonably called upon to bear such burden. The problem of constructing a wage structure must be tackled on the basis that it should not be changed from time to time. It is a long range plan; and so, in dealing with this problem, the financial position of the employer has to be carefully examined. What has been the progress of the industry in question; what are the prospects of the industry in future; has the industry been

making profit; and if yes, what is the extent of profits... unusual profit made by the industry for a single year as a result of advantageous circumstances, or unusual loss incurred by it for similar reasons, should not be allowed to play a major role in the calculation which industrial adjudication would make in regard to the construction of a wage structure. A broad and overall view of the financial position of the employer must be taken into account and attempt should always be made to reconcile the natural and just claims of the employees for a fair and higher wage with the capacity of the employer to pay it; and in determining such capacity, allowance must be made for a legitimate desire of the employer to make a reasonable profits... experience shown that the employer cannot bear the burden of such wage structure, industrial adjudication can, and in proper case should, revise the wage structure, though such revision may result in the reduction of the wages paid to the employees."

21. The recommendations of the wage board is, therefore, always a fair wage and not fixing the minimum wage (AIR 1970 S.C. 878). In the instant case, the demand related to the revision of the First cement wage board recommendation by implementation of the Second Cement Wage Board recommendations, Prime Minister's relief and the Reddy Award which are for revision of fair wage. In the matter of fixation of fair wage the capacity of the industry to pay is the most vital consideration (AIR 1978-S.C. 1113 and 1976(1) LLJ 109). The industry is also entitled to have a reasonable return of its investment and that should be provided for while fixing the fair wage (1968 S.C. notes 556). In AIR 1974 S.C. 1044 and AIR 1970—S.C. 878 the Supreme Court has held repeatedly that if a wage board has not taken into consideration the capacity of any particular unit to bear the said burden, its recommendations should be struck down as being *ultra vires*. It was further held that there being no standard units in an industry, there cannot be a standard wage and the same wage for the industry, (AIR 1978—S.C. 1113).

22. On behalf of the workmen there has been no disagreement on the question of law as stated above. We have therefore to see if the management have the financial capacity to bear the burden of demand following the recommendations of the Second Cement Wage Board, the Prime Minister's interim relief and the Reddy Award.

23. The case of the management is that since 1968 the management has been running the factory and the quarry in colossal loss year after year so much so that it has completely eaten away its paid up capital which is only Rs. 75,00,000. The cumulative loss of several years from 1968 onwards till the present date is to the extent of Rs. 4,86,00,000. The management produced balance sheets which are Exts. M1 to M7. The figures have been compiled in Ext. M2. I am reproducing the same below for a clear conception. I may mention further that this is supported by MW. 1 and MW. 2 who have worked in the accounts section of the SVPCC.

Year	Cash loss	Loss with depreciation	Total loss
1968	25,37,181	32,73,121	32,73,121
1969	23,32,971	31,47,845	64,20,966
1970	39,07,464	45,84,419	1,10,05,385
1971	32,71,532	37,96,958	1,48,62,343
1972	15,09,921	20,82,919	1,68,85,262
1973	..	3,15,228	1,72,00,490
1974	7,72,505	12,18,890	1,84,19,380
1975	3,64,105	8,79,931	1,92,99,311
1976	74,07,090	78,58,989	2,71,58,300
1977	1,25,87,431	1,29,52,420	4,01,10,720
1978	81,09,735	85,30,751	4,86,41,471

24. The attempt of the management by furnishing these figures is to show that the industry is running on loans granted by the Financial Institutions, by the State Government and the Central Government. It has been contended that the losses are not notional in view of the provisions made for various items but are actual.

25. According to the Management the reason for the aforesaid losses have been unremunerative retention price of cement manufactured by the company and all efforts—representations and appeals for fixing high retention price have failed. Ext. M17 and the evidence of MW. 2 have been referred in this connection. I am reproducing from Ext. M17, a chart which would show the cost price year-wise and the retention price allowed by the Government:

Year	Cost of production in the company	Retention price allowed by the Government
	Metric Ton	
1969	117.24	98.16
1970	134.13	100.00
1971	220.47	-do-
1972	132.85	-do-
1973	119.70	103.05
1974	143.08	121.63
1975	171.12	143.75
1976	197.90	156.24
1977	251.67	159.16
1978	..	164.47

26. The management has led evidence to show reasons for high cost of production. We have the evidence of MW. 1 and MW3 on this point which have been also supported by Tariff Commission Report, Ext. M8 Page 169—paragraph 38-2-1-3. We may on that basis categorise the following reasons which I must say remained uncontroverted:

- (a) In S.V. P. C. Co. Ltd. there is a large labour complement of 2239 raising 900 metric tons, whereas Kalyanpur Lime & Cement works at Banjari raises 1500 metric tons with a labour complement of 900 persons.

- (b) The quarry being worked for the last over 56 years, the ratio of overburden is 1:5 whereas other quarries ratio is much less.
- (c) The working in the quarry is cent per cent manual, whereas the other quarries are mechanised.
- (d) There is no fund for mechanisation and purchase of new shovel, bull dozer, wagons drills etc. and the entire proceeds are eaten away by payment of wage bills.
- (e) Store consumption is very high because of old machineries.
- (f) All India Average labour strength required for production of 1 lakh metric tons of cement is 400, whereas for production of 2,54,000 metric tons of cement the total labour strength is 350 to 400 persons.
- (g) Because of old machineries and old kilns, the consumption of coal per ton of clinker is very high compared to modern kiln in other factories. Thus while modern factories consume 240 tons per day for 1200 tons of clinker the S.V.P.C. Co. Ltd. consumes 280 tons of coal for manufacturing 700 tons of clinker.
- (h) The power consumption is also more, compared to modern factories, per ton of cement.

27. The cement industry, with which we are concerned had to face constant clamour for payment of higher wages; on the failure of the industry to do so has led to frequent strike, lock-outs and closures. Date-wise the following events may give a clear picture:

- 14-10-70 —Strike for implementation of the Second Wage Board recommendations.
- 26-12-70 —The factory closed.
- Feb., 1971 —State intervened by a Cabinet decision and decided to grant facility and further to move the Central Government to give higher retention price.
- 4-2-71 —In anticipation of help assured by the State the management agreed to reopen the factory.
- 5-2-71 —The factory was reopened on experimental basis for 3 months.
- 1-5-71 —Government assurance for increasing the retention price not carried out; losses mounted and the management was compelled to close the factory.
- 14-7-71 —At the instance of the Central Government under the Companies Act cost audit was set up which computed cost of production per metric ton for the year 1969 at

Rs. 117.24 and for the year 1970 at Rs. 134.15 against the then retention price of Rs. 98.16 and Rs. 100 respectively.

The workmen and the Union made various representations to State Government and Central Government for higher retention price for Japla and approached the management to reopen the factory.

- 27-5-72 —An agreement was arrived at among the management, the labour union and the Staff Association to accept wage @ First Wage Board's recommendation with no V.D.A. and further agreed to accept even lower wages than they were receiving.
- 1-6-72 —Prime Minister's Interim Relief Rs. 25 per month.
- 15-6-72 —State Governments and Central Government assured to obtain financial help through financial institutions.
- 19-6-72 —The management lifted the closure.
- 1-7-72 —There was an agreement for 2 years with Baulia Quarries Mazdoor Sangh to freeze the variable D.A. for 2 years.
- 5-7-72 —The factory reopened.
- 30-1-73 —The captive colliery of the management was nationalised.
- 15-10-73 —Reddy Award.
- 9-9-74 —Fresh settlement by which in lieu of frozen V.D.A. a sum of Rs. 73 allowed in the factory.
- 1-10-74 —There was a notice for strike by the union to go on strike from 15th October, 1974 in the quarry.
- 8-10-74 —Conciliation started and strike threat was postponed to 26-11-74.
- 11-10-74 —Conciliation failed.
- 30-11-74 —There was a strike in the quarry.
- 16-12-74 —Notice of closure by management from 15-2-75.
- 17-12-74 —Lay off and on the same date the instant reference.

28. After that there was lock-out, strike and closure intermittent opening and closure. A settlement was arrived at the intervention of the State Go-

vernment and the State Government lent a sum of Rs. 46.35 lakhs out of which the following payments were made :

- (a) Rs. 14 lakhs were meant for the arrears of wages from November, 1976 to July, 1977 but unfortunately the said amount covered only arrears of wages for the period November, 1976 to December, 1976.
- (b) From January to July, 1977 the workers were prepared to take 50% of their arrears in instalments out of Rs. 50,000 to be provided by the company every month after 3 months from the restart of the factory.
- (c) The balance 50% of the arrears was agreed to be paid after the company makes profit.

29. The witnesses MW. 1, MW. 2 and MW3 have also deposed on the above points. It may be on the basis of the facts proved by the management, safely said, that the financial condition of the industry has been simply precarious and this has been the main reason why the wages as desired by the Second Cement Wage Board could not be paid by the management. It is an admitted position that a large number of cases under P. W. Act had been filed for delayed payment of wages. The face value of the company's shares quoted in market was 52 Paise per share as against Rs. 5. The company has not been able to declare dividend since 1968 and there has been no return of investment nor it has been able to create any reserve fund to meet the requirement of the quarry as and when required.

30. The two unions who have contested this case have admitted that the losses are there. According to their contention this industry belongs to Sahu Jain Group which is a profitable concern and the unions expect that the higher wages for this industry could be met from other resources of Sahu Jain Group. This point has not been over-stressed on behalf of the workmen at the time of argument. It is very much clear that this industry having a separate status and identity has to shoulder the entire burden of demands for this industry and we cannot hold that a sister concern should be called upon to bear the burden of such demands. Another point taken was that the product of Baulia quarry was sold to Rohtas Industry at a price lesser than the market price. The workmen have not been able to substantiate this contention by any evidence. On the other hand, the management both through oral and documentary evidence has shown that the market price was realised for the sale of their product from Rohtas Industry.

31. We have been able to deal with all the points raised by both parties. It is abundantly clear that

though the recommendations of the Second Cement Wage Board, the Interim Relief granted by the Prime Minister and the Reddy Award were all intended to be carried out by the Cement industry, the SVPCC have its own inability to implement them. This cement industry has been able to show a consistent loss right from the year 1968 and also in the years following this reference. It is further clear that if this industry is called upon to implement these recommendation, the industry has to be closed down and in that eventuality the workers may be thrown out of employment. I am conscious of this fact that the workers of this industry are placed in a very unfortunate condition inasmuch as in all other similar industries they are deriving the fullest benefits enjoined by these recommendations as well as similar other recommendations made in the years after this reference. But it is noteworthy that the workers of this industry have from time to time made abundant sacrifices in order to see that the cement industry must go on. The present position of this industry is more or less satisfactory in the sense that considerable increases in emoluments have been allowed by the management more particularly since the year 1979. It is my belief that the present management will put its heart and soul into improving the financial condition of the industry so that industrial peace may be secured for the benefit of the industry as well as the workers engaged therein. I have felt that the workers of this industry and the management have shown considerable sense of adjustment and this is the main reason why this industry is in a position to go on. But under the facts and circumstances discussed above the industry cannot be called upon to implement the recommendations of the Second Cement Wage Board, the Interim Relief and the Reddy Award.

32. Having answered the issues involved in this reference, I have to hold that the demand of the workmen of the limestone quarry of the Sone Valley Portland Cement Company Limited, Post Office, Baulia, District Rohtas for implementation of the recommendations of the Second Cement Wage Board and the Reddy Award and the grant of interim relief is not justified. Consequently, the workmen are entitled to no relief.

This is my award.

J.P. Singh, Presiding Officer
[No. L.29011/57/74-LRIV/D.III(B)]
A.K. ROY, Under Secy.

नई दिल्ली, 1 अगस्त, 1980

क्रा० 2092. — मैसर्स पाथनीर इन्फ्रीपमेंट कम्पनी (प्राइवेट लिमिटेड), 432, पांडरा रोड, बडौदा-390005. (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, कोई पृथक् अभिदाय या प्रीमियम का संवाय किए बिना ही, भारतीय जीवन बीमा निगम, की समूह बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदा उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निधेय से सम्बद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुभूत है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपाबद्ध, अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को, 31 मार्च, 1979 से 28 फरवरी, 1981 तक उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि प्रायुक्त, अहमदाबाद को ऐसी विवरणियां भेजेगा, ऐसे लेखा रखेगा और निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति से 15 दिन के भीतर संवाय करेगा जो केन्द्रीय सरकार, समय-समय पर उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन निर्दिष्ट करे।

3. समूह बीमा स्कीम के प्रशासन में, जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संवाय, लेखाओं का अंतरण, निरीक्षण प्रसारों का संवाय आदि भी हैं, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित समूह बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना पट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले से सदस्य है, उक्त स्थापन में नियोजित किया जाता है तो, नियोजक, समूह बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संवत् करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाए जाते हैं तो, नियोजक समूह बीमा स्कीम के अधीन कर्मचारियों के लिए समूह बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हो, जो उक्त स्कीम के अधीन अनुभूत है।

7. समूह बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संवेद्य रकम उस रकम से कम है जो उस कर्मचारी की दशा में संवेद्य होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नाम निर्देशिनी को प्रतिफल के रूप में दोनों रकमों के अंतर के बराबर रकम का संवाय करेगा।

8. समूह बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि प्रायुक्त, अहमदाबाद के पूर्व अनुमोदन बिना नहीं किया जाएगा और जहां कहीं संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक भविष्य निधि प्रायुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस समूह बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रह कर दी जाएगी।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर, जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संवाय करने में

अमफन रहता है, और पालिसी को व्यपगत हो जाने दिया जाता है ता, छूट रद्द कर दी जाएगी।

11. यदि नियोजक, प्रीमियम के संदाय, आदि में कोई व्यक्तिगत करता है तो, उन मून सदस्यों के नाम निर्देशितियों या विधिक वारिसों के, जो वृद्ध छूट न दी जाने की दशा में उक्त स्कीम के अन्तर्गत होने, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संघ में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर, उसके हकदार नाम निर्देशितियों/विधिक वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के सात दिन के भीतर सुनिश्चन करेगा।

व्याख्यात्मक ज्ञापन

इस मामले में पूर्वपेशी प्रभाव से छूट देनी आवश्यक हो गई है क्योंकि छूट के लिए प्राप्त आबेदन पत्र की कार्रवाई पर समय लगा। तथापि, यह प्रमाणित किया जाता है कि पूर्वपेशी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[सं० एस०-35014/21/78-पी.एफ.-2]

New Delhi, the 1st August, 1980

S. O 2992:—Whereas Messrs Pioneer Equipment Company (Private) Limited, 432, Pandra Road, Baroda-39005, (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit-Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts with effect from Thirtyfirst March, 1979 and upto the 28th Feb. 1981 the said establishment from the operation of all the provisions of the said Scheme.

THE SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Ahmedabad, maintain such accounts and provide for such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section

17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges, etc. shall be borne by the employer.

4. The employer shall display, on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Where an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding any thing contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Ahmedabad and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any, made by the employer in payment of premium etc. the responsibility for payment of assurance benefits to the nominee or

legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, will be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S. 35014/21/78-PF.-II]

का० आ० 2093.—मैसर्स अम्बिका मिल्स लिमिटेड, (यूनिट—श्री अम्बुजा केमिकल्स कम्पनी), अहमदाबाद, (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है ;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, कोई पृथक् अधिदाय या प्रीमियम का संशय किए बिना ही, भारतीय जीवन बीमा निगम की समूह बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदा उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप से सम्बद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञेय हैं ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को, 1 मार्च, 1979 से 28 फरवरी, 1981 तक उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, अहमदाबाद को ऐसी विवरणियां भेजेगा, ऐसे लेखा रखेगा और निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर नि-दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति से 15 दिन के भीतर संशय करेगा जो केन्द्रीय सरकार, समय-समय पर उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन निविष्ट करे।

3. समूह बीमा स्कीम के प्रशासन में, जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संशय, लेखाओं का अंतरण, निरीक्षण प्रसारों का संशय आदि भी हैं, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित समूह बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले

में सदस्य है, उक्त स्थापन में नियोजित किया जाता है तो, नियोजक, समूह बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम के संदत्त करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाए जाते हैं तो, नियोजक समूह बीमा स्कीम के अधीन कर्मचारियों के लिए समूह बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हो, जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. समूह बीमा स्कीम में किसी बात के होने हुए, भी यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो उस कर्मचारी की दशा में संदेय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशितों को प्रतिफल के रूप में दोनों रकमों के अंतर के बराबर रकम का संशय करेगा।

8. समूह बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, अहमदाबाद के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों का अपना दृष्टिकोण स्पष्ट करने को युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस समूह बीमा स्कीम के, जिसे स्थापना पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द कर दी जाएगी।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर, जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संशय करने में असफल रहता है, और पालिसी को व्यपगत हो जाने बिया जाता है तो, छूट रद्द कर दी जाएगी।

11. यदि नियोजक, प्रीमियम के संशय, आदि में कोई व्यतिक्रम करता है तो, उन मृत सदस्यों के नाम निर्देशितियों या विधिक वारिसों के, जो यह छूट न दी जाने की दशा में उक्त स्कीम के अंतर्गत होते, बीमा फायदों के संशय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर, उसके हक्कार नाम निर्देशितियों/विधिक वारिसों को बीमाकृत रकम का संशय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के सात दिन के भीतर सुनिश्चित करेगा।

व्याख्यात्मक त्वापन

इस मामले में पूर्वापेक्षी प्रभाव से छूट देनी आवश्यक हो गई है क्योंकि छूट के लिए प्राप्त आवेदन पत्र की कार्रवाई पर समय लगा। तथापि, यह प्रमाणित किया जाता है कि पूर्वापेक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[संख्या एस-35014/14/34/79-मी०एफ०II]

S. O. 2093:—Whereas, Messrs Shri Ambica Mills, Limited, (Unit Shri Ambuja Chemicals, Company) Ahmedabad, (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit-linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts with effect from 1st March, 1979 and upto the 28th February 1981, the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Ahmedabad, maintain such accounts and provide for such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges, etc. shall be borne by the employer.

4. The employer shall display, on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, along with a translation of the salient features thereof, in the language of the majority of the employees.

5. Where, an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding any thing contained in the Group Insurance Scheme, if on the death of an

employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Ahmedabad and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any, made by the employer in payment of premium etc., the responsibility for payment of assurance benefits to the nominee or legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, will be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect interest of anybody adversely.

[No. S. 35014(34)/79-PF.II]

का० आ० 2094.—मैसर्स श्री अम्बिका मिल्स लिमिटेड (यूनिट-श्री अम्बिका मिलिण्डर्स मैनुफैक्चरिंग कम्पनी) अहमदाबाद, (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है ;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, कोई पृथक् अधिदाय या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा निगम की समूह बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदा उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निधि से सम्बद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुभोग हैं ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उप-धारा (2क) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और इससे उपाययुक्त अनुसूची में विनिर्दिष्ट बातों के अधीन रहते हुए, उक्त स्थापन को, 1 मार्च, 1979 से 28 फरवरी, 1981 तक उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक सविष्य निधि आयुक्त, गुजरात को ऐसी विवरणियां भेजेगा, ऐसे लेखा रखेगा और निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निविष्ट करें।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति से 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, समय-समय पर उक्त अधिनियम का धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन निविष्ट करे।

3. समूह बीमा स्कीम के प्रशासन में, जिसके अंतर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संवाय, लेखाओं का अंतरण, निरीक्षण प्रसारों का संदाय आदि भी हैं, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदन समूह बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-बट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी सविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की सविष्य निधि का पहले से सदस्य है, उक्त स्थापन में नियोजित किया जाता है तो, नियोजक, समूह बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संवत् करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाए जाते हैं तो, नियोजक समूह बीमा स्कीम के अधीन कर्मचारियों के लिए समूह बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. समूह बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उक्त रकम से कम है जो उस कर्मचारी की दशा में संदेय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशित को प्रतिफल के रूप में दोनों रकमों के अंतर के बराबर रकम का संदाय करेगा।

8. समूह बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक सविष्य निधि आयुक्त, गुजरात के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक सविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस समूह बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रह कर दी जाएगी।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर, जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संवाय करने में असफल रहता है, और पालिसी को स्वयंसेवक हो जाने दिया जाता है तो, छूट रह कर दी जाएगी।

11. यदि नियोजक, प्रीमियम के संवाय, छांट में कोई व्यतिक्रम करता है तो, उन मृत सदस्यों के नाम निर्देशितियों या विधिक वारिसों के, जो छूट न दी जाने की दशा में उक्त स्कीम के अंतर्गत होने, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर, उसके हकदार नाम निर्देशितियों/विधिक वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के सात दिन के भीतर सुविश्चित करेगा।

व्याख्यात्मक ज्ञापन

इस मामले में पूर्वापेक्षी प्रभाव से छूट देनी आवश्यक हो गई है क्योंकि छूट के लिए प्राप्त आवेदन पत्र की कार्रवाई पर समय लगा। तथापि, यह प्रमाणित किया जाता है कि पूर्वापेक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[संख्या एस० 35014(37)/79-पी०एफ०II]

S. O. 2094 :—Whereas Messrs Shri Ambica Mills Limited (Unit) Shri Ambica Cylinders Manufacturing Company, Ahmedabad (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit-linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed, hereto, the Central Government hereby exempts with effect from 1st March, 1979 and upto 28th February, 1981, the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Gujarat, maintain such accounts and provide for such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges, etc. shall be borne by the employer.

4. The employer shall display, on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Where an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme. If on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Gujarat and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium within the due date, as fixed by the

Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any, made by the employer in payment of premium etc., the responsibility for payment of assurance benefits to the nominee or legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, will be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S. 35014 (37)/79-PF. II]

का० आ० 2095.—मैसर्स बरुणा सेल्स प्राइवेट लिमिटेड, अहमदाबाद (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उप-धारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, कोई पृथक् अभिदाय या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा नियम की समूह बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदा उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निधि से सम्बद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुभूत हैं;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उप-धारा (2क) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को, 1 मार्च, 1980 से 28 फरवरी, 1982 तक उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि प्रायुक्त, गुजरात को ऐसी विवरणियां भेजेगा, ऐसे लेखा रखेगा और निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निश्चित करे।

2. नियोजक, ऐसे निरीक्षण प्रचारों का प्रत्येक मास की समाप्ति से 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, समय-समय पर उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन निश्चित करें।

3. समूह बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का प्रंतरण, निरीक्षण प्रचारों का संदाय आदि भी हैं, होने वाले सभी व्ययों का बहान नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित समूह बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले से सदस्य है, उक्त स्थापन में नियोजित किया जाता है तो, नियोजक, समूह बीमा स्कीम के सदस्य के रूप में उसका नाम मुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संवत्स करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाए जाते हैं तो, नियोजक समूह बीमा स्कीम के अधीन कर्मचारियों के लिए समूह बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. समूह बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो उस कर्मचारी की वधा में संदेय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक धारिस/नामनिर्देशित को प्रतिकर के रूप में दोनों रकमों के अंतर के बराबर रकम का संदाय करेगा।

8. समूह बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, गुजरात के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का व्यक्तिगत अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस समूह बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द कर दी जाएगी।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के बाद, जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है, और पॉलिसी को व्यपगत हो जाने दिया जाता है तो, छूट रद्द कर दी जाएगी।

11. यदि नियोजक, प्रीमियम के संदाय, आदि में कोई व्यतिक्रम करता है तो, उन मृत सदस्यों के नाम निर्देशितियों या विधिक धारिसों के, जो वह छूट न दी जाने की वधा में उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य का मृत्यु होने पर, उसके हकदार नाम निर्देशितियों/विधिक धारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक वधा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के सात दिन के भीतर सुनिश्चित करेगा।

व्याख्यात्मक भाषण

इस मामले में पूर्वापेक्षी प्रभाव से छूट देने आवश्यक हो गई है क्योंकि छूट के लिये प्राप्त आवेदन पत्र को कार्रवाई पर समय लगा। तथापि, यह प्रमाणित किया जाता है कि पूर्वापेक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[सं० एत०-35014/80/80-पी० ए०-2]

S. O. 2095:—Whereas Messrs Varuna Sales Pvt. Ltd., Ahmedabad, (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit-linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts with effect from 1-3-80 and upto the 28th February, 1982, the said establishment from the operation of all the provisions of the said Scheme.

THE SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Gujarat, maintain such accounts and provide for such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges, etc. shall be borne by the employer.

4. The employer shall display, on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Where an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said

Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7 Notwithstanding anything, contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensator.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Gujarat and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any, made by the employer in payment of premium etc., the responsibility for payment of assurance benefits to the nominee or legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, will be that of the employer.

12. Upon the death of the member covered under the scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S. 35014(80)/80-PF.-II]

का० भा० 2096.—मैसर्स सुर्ता कार्मिस्ट्स, विठ्ठल उद्योग नगर (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, कोई पृथक् अधिदाय या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा निगम की समूह बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदा उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निधि से सम्बद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुजेय हैं।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को, 1 नवम्बर, 1979 से 31 दिसम्बर, 1981 तक उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि प्रायुक्त, गुजरात को ऐसी विवरणियां भेजेगा, ऐसे लेखा रखेगा और निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निर्दिष्ट करें।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति से 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, समय-समय पर उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन निर्दिष्ट करें।

3. समूह बीमा स्कीम के प्रयास में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का संस्तरण, निरीक्षण प्रसारों का संदाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित समूह बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या को भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले से सदस्य है, उक्त स्थापन में नियोजित किया जाता है तो, नियोजक, समूह बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी वांछित आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संवत्त करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाए जाते हैं तो, नियोजक समूह बीमा स्कीम के अधीन कर्मचारियों के लिए समूह बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हो, तो उक्त स्कीम के अधीन अनुजेय हैं।

7. समूह बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संवेद्य रकम उस रकम से कम है जो उस कर्मचारी की वृत्ति में संवेद्य होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशितों को प्रतिकर के रूप में दोनों रकमों के अंतर के बराबर रकम का संदाय करेगा।

8. समूह बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि प्रायुक्त, गुजरात के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक भविष्य निधि प्रायुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का व्यक्तिगत अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस समूह बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द कर दी जाएगी।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर, जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है, और पालिसी को ब्यर्थ हो जाने दिया जाता है तो, छूट रद्द कर दी जाएगी।

11. यदि नियोजक, प्रीमियम के संदाय, प्राप्ति में कोई व्यतिक्रम करता है तो, उन मूल सदस्यों के नाम निर्देशितियों या विधिक वारिसों के, जो वह छूट न दी जाने की वृत्ति में उक्त स्कीम के अंतर्गत होते, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर, उसके हकदार नाम निर्देशितियों/विधिक वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक वृत्ति में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के बाद दिन के भीतर सुनिश्चित करेगा।

व्याख्यात्मक भाषण

इस मामले में प्रमुखी प्रभाव से छूट देने का वाक्यवाचक हो गई है क्योंकि छूट के लिये प्राप्त आवेदन पत्र की कार्यवाही पर समय लगा। तथापि, यह प्रमाणित किया जाता है कि प्रमुखी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[सं० एस०-35014/81/79-पी० एफ-2]

S. O. 2096 :—Whereas Messrs Trupti Castings, Vithal Udyog Nagar (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

AND WHEREAS, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Depo-

sit-linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

NOW, THEREFORE, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts with effect from 1st November, 1979 and upto 31st Oct. 1981, the said establishment from the operation of all the provisions of the said Scheme.

THE SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Gujarat, maintain such accounts and provide for such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges, etc. shall be borne by the employer.

4. The employer shall display, on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Where an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an

ployee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Gujarat and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any, made by the employer in payment of premium etc., the responsibility for payment of assurance benefits to the nominee or legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, will be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S. 35014(81)/79-PF. II]

नई दिल्ली, 2 अगस्त, 1980

क्र० आ० 2097 — केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सरक्लिप्स इण्डिया, लायन पेंसिल्स लिमिटेड के मामले, वहीसर नैक नाका, एस० बी० रोड, मीरा डाकघर, जिला ठाणे, पश्चिमी रेलवे, नाम स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 जून, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35018/95/79-पी० एफ०-II]

New Delhi, the 2nd August, 1980

S.O. 2097.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Circlips India, Opposite Lion Pencils Limited, Dahisar Check Naka, S.V. Road, Meera Post Office, District Thane, Western Railway, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment;

This notification shall be deemed to have come into force on the thirtieth day of June, 1978.

[No. S. 35018/95/79-PF.II]

नई दिल्ली, 4 अगस्त, 1980

क्र० आ० 2098 — मैसर्स गुजरात स्टेट रोड ट्रांसपोर्ट कारपोरेशन, अहमदाबाद (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, कोई पृथक भविष्य या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा नियम की समूह स्कीम के अधीन जीवन बीमा के रूप में फायदा उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निरोप सम्बद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञेय हैं;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को, 1 जून, 1979 से 31 मई, 1981 तक उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रावेक्षित भविष्य निधि प्रायुक्त, गुजरात को ऐसी विवरणियां भेजेगा, ऐसे लेखा रखेगा और निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निरीक्षण करें।

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक मास की समाप्ति से 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, समय-समय पर उक्त अधिनियम का धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन विनिर्दिष्ट करे।

3. समूह बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत सेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, सेखाओं का अंतरण, निरीक्षण प्रभावों का संदाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा लिया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित समूह बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले से सदस्य है, उक्त स्थापन में नियोजित किया जाता है तो, नियोजक, समूह बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी जागत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संदस्त करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों की उपलब्ध फायदे बढ़ाए जाते हैं तो, नियोजक समूह बीमा स्कीम के अधीन कर्मचारियों के लिए समूह बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. समूह बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो उस कर्मचारी की दशा में संवेद्य होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशितों को प्रतिफल के रूप में दोनों रकमों के अंतर के बराबर रकम का संदाय करेगा।

8. समूह बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, गुजरात के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहाँ, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस समूह बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रह कर दी जाएगी।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर, जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है, और पात्रिती को व्यपगत हो जाने दिया जाता है तो, छूट रह कर दी जाएगी।

11. यदि नियोजक, प्रीमियम के संदाय, भाषा में कोई व्यतिक्रम करता है तो, उन मृत सदस्यों के नाम निर्देशितियों या विधिक वारिसों के, जो यह छूट न दी जाने की दशा में उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर, उसके हकदार नाम निर्देशितियों/विधिक वारिसों को बीमाकृत रकम का संदाय तत्पश्चात् से और प्रत्येक दशा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के साथ-साथ के भीतर सुनिश्चित करेगा।

व्याख्यात्मक आपन

इस मामले में पूर्वापेक्षी प्रभाव से छूट देने की आवश्यकता हो गई है क्योंकि छूट के लिए प्राप्त आवेदन पत्र की कार्रवाई पर समय लगा। तथापि, यह प्रमाणित किया जाता है कि पूर्वापेक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

सं० एस०-35014/53/80 पी० एफ०-II]

New Delhi, the 4th August, 1980

S.O.2098 :—Whereas Messrs Gujarat State Road Transport Corporation, Ahmedabad. (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit-Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Scheduled annexed hereto, the Central Government hereby exempts with effect from 1st June, 1979 to 31st May, 1981, the said establishment from the operation of all the provisions of the said Scheme.

THE SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Gujarat, maintain such accounts and provide for such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section 3(A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges, etc., shall be borne by the employer.

4. The employer shall display, on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Where an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer

shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner Gujarat and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any, made by the employer in payment of premium etc., the responsibility for payment of assurance benefits to the nominee or legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, will be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

[No. S. 35014(53)/79-PF.II]

का० प्रा० 2090. मैमर्स फॉर्ज एण्ड ब्लोअर कम्पनी, अहमदाबाद, (जिसे हमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इससे पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, कोई पृथक अभिदाय या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा निगम की समूह बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदा उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप सम्बद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुज्ञेय हैं ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को, 1 मार्च, 1980 से 28 फरवरी, 1982 तक उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रावेशित भविष्य निधि आयुक्त, अहमदाबाद को ऐसी विवरणियां भेजेगा, ऐसे लेखा रखेगा और निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निश्चित करें।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति से 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, समय-समय पर उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन निश्चित करें।

3. समूह बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय, लेखाओं का अंतरण, निरीक्षण प्रसारों का संदाय आदि भी, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित समूह बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रवर्णित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले से सदस्य है, उक्त स्थापन में नियोजित किया जाता है तो, नियोजक, समूह बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संवत्त करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों का उपलब्ध फायदे बढ़ाए जाते हैं तो, नियोजक समूह बीमा स्कीम के अधीन कर्मचारियों के लिए समूह बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हो, तो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. समूह बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है जो उस कर्मचारी की दशा में संदेय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशित को प्रतिफल के रूप में दोनों रकमों का अंतर के बराबर रकम का संदाय करेगा।

8. समूह बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रावेशिक भविष्य निधि आयुक्त, अहमदाबाद के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रावेशिक भविष्य निधि आयुक्त, अपना अनुमोदन

देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस समूह बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द कर दी जाएगी।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर, जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है, और पालिसी को व्यपगत हो जाने दिया जाता है तो, छूट रद्द कर दी जाएगी।

11. यदि नियोजक, प्रीमियम के संदाय, आदि में कोई व्यतिक्रम करता है तो, उन मृत सब्सिडियों के नाम निर्देशितियों या विधिक बारिसों के, जो यह छूट न दी जाने की दशा में उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के संवाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर, उसके हकदार नाम निर्देशितियों/विधिक बारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक बर्षा में भारतीय जीवन बीमा निगम में बीमाकृत रकम प्राप्त होने के सात दिन के भीतर सुनिश्चित करेगा।

व्याख्यात्मक ज्ञापन

इस मामले में पूर्वापेक्षी प्रभाव में छूट देने की आवश्यक हो गई है क्योंकि छूट के लिए प्राप्त आवेदन पत्र की कारवाई पर समय लगा। तथापि, यह प्रमाणित किया जाता है कि पूर्वापेक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[संख्या एस० 35014(35)/80-पी० एफ०-2]

हसराम ठाकुर, उप सचिव

New Delhi, the 4th August, 1980

S. O. 2090.—Whereas Messrs Forge & Blower Company, Ahmedabad (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit-Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts with effect from 1-3-80 and upto 28-2-82 the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Ahmedabad maintain such accounts and provide for such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges, etc. shall be borne by the employer.

4. The employer shall display, on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, along with a translation of the salient features thereof, in the language of the majority of the employees.

5. Where an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner, Ahmedabad and Where any amendment is likely to affect adversely the interest of the employees

the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption it liable to be cancelled.

11. In case of default, if any, made by the employer in payment of premium etc., the responsibility for payment of assurance benefits to the nominee or legal heirs of deceased members who would have been covered under the said scheme but for grant of this exemption, will be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of any body adversely.

[No. S. 35014/(35)/80 P.F.II]
Hans Raj Chhabra, Dy. Secy.

New Delhi, the 1st August, 1980

S.O 2091.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay in the industrial dispute between the employers in relation to the Launch Owners of Mormugao Harbour and their workmen, which was received by the Central Government on the 25th July, 1980.

**BEFORE THE CENTRAL INDUSTRIAL TRIBUNAL
NO. 2, BOMBAY.**

Reference No. CGIT--2/14 of 1978

PARTIES :

Employers in Relation to :

1. Messrs Lima Leitao Transports,
Mormugao Harbour, Goa.
2. Shri Jagannath Arolkar, Vasco-da-Gama,
Goa.

3. Shri Caetan Rodrigues, Vasco-da-Gama,
Goa.

4. Shri D.B. Naik, Orulem, Vasco-da-Gama,
Goa.

5. Shri Raghuvir Fadte, Vasco-da-Gama,
Goa, Launch Owners of Mormugao Harbour.

AND THEIR WORKMEN.

APPEARANCES :

For the Employers : No appearance.
For the Workers : No appearance.

INDUSTRY : Ports and Docks.

STATE : Goa, Daman and Diu.
Bombay, dated the 14th July, 1980

AWARD

1. The Government of India, in the Ministry of Labour in exercise of the powers conferred under Section 10(1)(d) of the Industrial Disputes Act, 1947 referred to this Tribunal the following industrial dispute for adjudication vide Order No. L-36011(2)/78-D.IV(A) dated 2-12-1978:—

“Whether the Launch Owners of Mormugao Harbour as mentioned in the Schedule I are justified in not implementing in respect of their Launch Crew, the recommendations of the Wage Revision Committee for port and dock workers, as adopted in terms of the Settlement dated the 14th July, 1977, with the Federations of Port and Dock Workers?

If not, to what relief are the concerned workmen entitled?”

2. Notices were issued to the parties to file their written statements.

3. One of the managements viz. Lima Leitao Transport Mormugao filed an application alongwith a declaration in stamped paper by seven workmen stating that they have served all connections with the Goa Dock Labour Union as they have no claims/demands or dispute with their employers. The other employers have not filed their written statement. The Union alongwith the managements was asked to file its claim statement within fifteen days from receipt of this office Notice dated 28-12-78. Union by its application dated 2-1-1979 sought for 30 days time to file its claims statement which was allowed. The matter was fixed for hearing in Goa on 30-3-1979. On that date the Union sought for time upto 16-4-1979, which was allowed.

Thereafter notice was issued to the Union on 9-5-1979 to file its claim statement by 29-5-1979. It was made clear in that notice that if the Union fails to file claim statement by the above date i.e. by 29-5-79 the reference would be disposed of for non-prosecution. The Union did not care to file its claim statement. On my assumption of charge of this Tribunal notices were again issued to the parties on 22-3-1980 specifically directing the Union to file its claim statement positively by 14-4-1980 failing which the reference would be disposed of for non-prosecution. The Union again sought 30 days time to file its claim statement, which was granted and directed it to file its claim statement by 7-5-1980. The union failed to file its claims statement on that date also. The Union was given final extension of time to file claim statement by 13-6-1980. The Union by its telegram dated 13-6-1980 informed this Tribunal that the statement of claim is being sent by registered post. Till date no statement of Claim has been received from the Union.

4. In the circumstances, the reference is disposed of for non-prosecution as the Union is not taking interest in the case. Hence I pass a no dispute award.

JITENDRA NARAYAN SINGH, Presiding Officer.
[No.L-36011/2/78-DIV (A)]

New Delhi, the 2nd August, 1980

S.O. 2092.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2 Bombay in the industrial dispute between the employers in relation to Smt. Veronica D'Souza, Shri F. Almeida and Shri Giano Pereira, Launch Owners and their workmen, which was received by the Central Government on the 25th July, 1980.

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, BOMBAY.**

Reference No. CGIT-2/13 of 1978

PARTIES :

EMPLOYERS IN RELATION TO
Smt. Veronica D' Souza,
Shri. F. Almeida and
Shri Giano Pereira,
Launch Owners

AND

Their Workmen.

APPEARANCES :

FOR THE EMPLOYERS : No appearance

FOR THE WORKMEN : No appearance

INDUSTRY : Ports and Docks.

STATE : Goa, Daman and Diu.

Bombay, dated the 14th July, 1980.

AWARD

1. The Government of India, in the Ministry of Labour in exercise of the powers conferred under Section 10(1)(d) of the Industrial Disputes Act, 1947 referred to this Tribunal the following industrial dispute for adjudication vide order No. L-36011(5)/78-D.IV(A) dated 2-12-1978:—

“Whether Smt. Veronica D' Souza and Sarvashri F. Almeida and Giano Pereira, Launch Owners, are justified in not implementing, in respect of their Launch Crew, the recommendations of the Wage Revision Committee for Port and Dock workers, as adopted in terms of the settlement dated the 14th July, 1977 with the Federations of Port and Dock Workers? If not, to what relief are the concerned workmen entitled ?”

2. Notices were issued to the parties to file their written statements.

3. The Union and the managements were asked to file its claim/written statement within fifteen days from the receipt of this office notice dated 22-12-1978. The Union by its application dated 1-1-1979 sought for 30 days time to file its claim statement which was allowed. The matter was fixed for hearing in Goa on 30-3-1979. On that date the Union sought for time upto 16-4-1979, which was also allowed. Thereafter notice was issued to the Union on 9-5-1979 to file its claim statement by 29-5-1979. It was made clear in that notice that if the Union fails to file its claim statement by the above date i.e. by 29-5-1979, the reference would be disposed of for non-prosecution. The Union did not care to file its claim statement.

4. On my assumption of charge of this Tribunal, notices were again issued to the parties on 25-3-1980, specifically directing the Union to file its claim statement positively by 14-4-1980 failing which the reference would be disposed of for non-prosecution. The Union then sought 30 days time to file its claim statement, which was granted and directed it to file its claim statement by 7-5-1980. The Union failed to file its claim statement on that date also, but requested for extension of one month's time to file the claim statement. The Union was given last chance to file its claim statement by 28-5-1980, but it again sought

15 days time as final to file the statement of claim. The Union was thus given final extension of time to file claim statement by 13-6-1980 but it was not filed and they by its telegram dated 13-6-1980 informed this Tribunal that the statement of claim is being sent by registered post. Till date no statement of claim has been received from the Union.

5. In the circumstances, the reference is disposed of for non-prosecution as the Union is not taking interest in the case. Hence I pass a no dispute Award.

JITENDRA NARAYAN SINGH, Presiding Officer
Central Government Industrial
Tribunal-cum-Labour Court No. 2, Bombay-1

[No. L-36011/5/78-D-IV (A)]

New Delhi, 2nd August, 1980

S.O. 2093.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay, in the industrial dispute between the employers in relation to the 13 Launch Owners of Mormugao Harbour and their workmen, which was received by the Central Government on the 25th July, 1980.

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, BOMBAY**

Reference No. CGIT-2/15 of 1978

PARTIES :

Employers in relation to the 13 Launch Owners of Mormugao Harbour mentioned in the Schedule I.

AND

Their workmen

APPEARANCES :

FOR THE EMPLOYERS : No appearance

FOR THE WORKMEN : No appearance

INDUSTRY : Ports and Docks

STATE : Goa, Daman and Diu

Bombay, dated the 14th July, 1980

AWARD

1. The Government of India, in the Ministry of Labour in exercise of the powers conferred under Section 10(1)(d) of the Industrial Disputes Act, 1947 referred to this Tribunal the following industrial dispute as mentioned in Schedule II for adjudication vide Order No. L-36011(4)/78-D. IV(A) dated 2-12-1978.

SCHEDULE I

1. Messrs Mascot Marine Enterprises
2. Messrs Paul Dias & Sons
3. Shri Vasant B. Sencalkar
4. Shri D. S. Kamat
5. Shri Shaik Kadar
6. Shri Francis D'Souza
7. Shri Rajaram Karapurkar
8. Shri Eknath Namshikar
9. Shri S. R. Navelkar
10. Shri M. Sawant
11. Shri Prakash Arolkar
12. Shri Bagavan Porob
13. Shri Vassudev R. Porob.

SCHEDULE II

“Whether the Launch Owners of Mormugao Harbour as mentioned in the Schedule I are justified in not implementing in respect of their Launch Crew the recommendations of the Wage Revision Committee for Port and Dock workers, as adopted in terms of the Settlement dated the 14th July, 1977 with the Federations of Port and Dock Workers? If not, to what relief are the concerned workmen entitled?”

2. Notices were issued to the parties to file their written statements.

3. The Union as well as the managements was asked to file its claim statement within fifteen days from receipt of this office Notice dated 29-12-1978. The Union by its application dated 1-1-1979 sought for 30 days time to file its claims statement which was allowed. The matter was fixed for hearing in Goa on 30-3-1979. On that date the Union sought for time upto 16-4-1979, which was also allowed. Thereafter notice was issued to the Union on 9-5-1979 to file its claim statement by 29-5-1979. It was made clear in that notice that if the Union fails to file claim statement by the above date i.e. by 29-5-1979, the reference would be disposed of for non-prosecution. The Union did not care to file its claim statement.

4. On my assumption of charge of this Tribunal, notices were again issued to the parties on 22-3-1980, specifically directing the Union to file its claim statement positively by 14-4-1980 failing which the reference would be disposed of for non-prosecution. The Union then sought 30 days time to file its claim statement which was granted and directed it to file its claim statement by 7-5-1980. The Union failed to file its claim statement on that date also, but requested for extension of one month's time to file the claim statement. The Union was given last chance to file its claim statement by 28-5-1980, but it again failed to file the same. The Union was

thus given final extension of time to file claim statement by 13-6-1980. The Union by its telegram dated 13-6-1980 informed this Tribunal that the statement of claim is being sent by registered post.

5. Till date no statement of claim has been received from the Union.

6. In the circumstances, the reference is disposed of for non-prosecution as the Union is not taking interest in the case. Hence I pass a 'no dispute' award.

JITENDRA NARAYAN SINGH, Presiding Officer
[No. L-36011/4/78-D.IV(A)]
NAND LAL, Desk Officer

New Delhi, the 5th August, 1980

S.O. 2094.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal, Madras, in the industrial dispute between the employers in relation to the management of Administrative Body (Reserve Pool) Madras Dock Labour, Madras and their workman, which was received by the Central Government on the 28th July, 1980.

BEFORE THIRU T. SUDARSANAM DANIEL,
B.A., B.L., PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, MADRAS

(Constituted by the Government of India)
Friday, the 18th day of July, 1980

Industrial Dispute No. 19 of 1980

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of Administrative Body (Reserve Pool) Madras Dock Labour Board, Madras-1)

BETWEEN

Sri A. S. Kasinathan, R.P.T.C. No. 173,
No. A-244, Madras Dock Labour Board Colony,
Tondiarpet, Madras-600081.

AND

The Chairman,

Administrative Body (R), Madras Dock Labour Board, MDLB Buildings, North Beach Road, Madras-600001.

REFERENCE

Order No. L. 33012/1/76-D.IV(A), dated 4th March, 1980 of the Ministry of Labour, Government of India.

This dispute coming on for final hearing on Tuesday, the 15th day of July, 1980 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Sri A. S. Kasinathan, worker for himself and of Sri R. Viswanath, the Secretary of the Madras Dock Labour Board for the Management and this dispute having stood over till this day, for consideration, this Tribunal made the following.

AWARD

This is an industrial dispute between the workman Sri A. S. Kasinathan and the Management of Administrative Body (Reserve Pool) Madras Dock Labour Board, Madras referred to this Tribunal for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in Order No. L. 33012/1/76-D.IV(A), dated 4th March, 1980 of the Ministry of Labour, in respect of the following issue :

Whether the action of the Deputy Chairman, Madras Dock Labour Board, in dismissing Shri A. S. Kasinathan, Tally Clerk, No. 173, employed in Reserve Pool of the Madras Dock Labour Board, from service with effect from the 19th April, 1972 is justified? If not, to what relief is the concerned workman entitled?

2. Facts leading upto the dispute are not in controversy. Petitioner is Sri A. S. Kasinathan. Respondent—Management is the Chairman, Administrative Body (Reserve Pool) Madras Dock Labour Board, North Beach Road, Madras-1. Petitioner was a Reserve Pool Tally Clerk in the service of the Port Trust for 11 years from 1961 (from 1-1-1961 upto 4-1-1972). On 4-1-1972, under Ex. W-16, the Petitioner was placed under suspension pending enquiry under clause 45(3)(a) of the Madras Dock Workers (Regulation of Employment) Scheme, 1956 which is marked as Ex.M-1. Ex.W-20 dated 7-1-72 is the explanation offered by the Petitioner with regard to his suspension from 4-1-1972. This order of suspension made by the Labour Officer under the Madras Dock Workers (Regulation of Employment) Scheme, 1956 was approved by the Deputy Special Officer, Dock Labour Board, Madras on 12-1-1972—vide Ex.W-21 after giving a hearing to the Tally Clerk, the Petitioner on 11-1-1972. Thereafter Deputy Special Officer held that the Tally Clerk will continue to remain under suspension and directed the Labour Officer under Madras Dock Workers (Regulation of Employment) Scheme to complete the investigation and submit his report. At this juncture, it will be pertinent for me to refer to the relevant provisions dealing with the disciplinary action against the employees of the Dock Labour

Board. Ex.W-1 is Compilation of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) and Schemes and Rules framed thereunder, a publication of the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment). Rule 45 of the said Scheme designs the pattern of procedure to be adopted in cases where disciplinary action has to be taken against recalcitrant worker. Under Rule 45(2), the Labour Officer, to whom a report is sent about the misconduct of a registered dock worker, may investigate the matter and ultimately inflict such punishment as is provided for under clause (2) of Rule 45 of the Scheme. But in cases where the Labour Officer feels that the misconduct involved is of a grave and serious character, he may, pending investigation of the matter, and whilst suspending the worker, report such action as to suspension to the Deputy Chairman who in turn, after preliminary investigation, shall pass orders thereon, whether the worker could be kept under suspension during enquiry or not. I have just pointed out how in this case the Labour Officer has suspended the Petitioner and which action has been approved by the Deputy Chairman. It will be necessary to point out to this stage that Labour Officer referred to in this proceedings is not Labour Officer of the Government, but only Labour Officer under the Madras Dock Labour Board. This Labour Officer is expected to hold a fair, impartial and full enquiry. Ex.W-22 is the charge-sheet issued to the Petitioner on 17-2-1972 by the Labour Officer of the Madras Dock Labour Board. In brief, the charge was that Petitioner instigated the workers to stop work and incited workers to illegal strike by addressing a gate meeting inside the harbour on 4-1-1972 at 5.45 A.M. and accordingly there was a strike commencing from 7.00 A.M. To this charge sheet, the Petitioner offered his explanation on 23-2-1972 under Ex. W-23. Ex. M-3 is the copy of the report submitted by the Labour Officer dated 7-3-1972 to the Deputy Chairman, Madras Dock Labour Board, Madras. As per the Regulation, if the Labour Officer feels that a higher punishment than that which he could inflict is merited in a particular case, he shall report the same to the Deputy Chairman. Accordingly, the report has been submitted under the original of Ex.M-3. Thereafter, the Deputy Chairman issues a further show cause notice on 14-3-1972 under Ex.W-24 as to why the Petitioner should not be dismissed from the service of the Board. Ex. W-28 is the explanation submitted by the Petitioner on 1-4-1972. On receipt of report from the Labour Officer under clause (4) of Rule 45 of Ex.W-1, the Deputy Chairman may in his turn make or cause to be made such further investigation as he may deem fit and thereafter inflict such

of those punishments which include dismissal and expressly referred to in sub-clause (a) to (e) of clause (5) of Rule 45. The Deputy Chairman took the precaution of furnishing copies of all the available documents which the Petitioner wanted for the purpose of further representations before him. As a matter of fact, the Petitioner expressly requested the Deputy Chairman should give him an opportunity to examine two more witnesses of whom the Petitioner produced only one and examined. The Deputy Chairman after giving such an opportunity to the Petitioner to adduce additional evidence and on a consideration of such evidence and other materials already appearing before the Labour Officer came to the conclusion that the charge against the Petitioner is well founded and hence passed an order of dismissal on 19-4-1972—vide Ex.W-30. Aggrieved by the decision of the Deputy Chairman, the Petitioner also preferred appeal (Ex.W-31 is the memorandum of appeal) to the Chairman of the Board as provided for under Rule 48. The Chairman who has passed such orders as he deems fit has passed an order rejecting the appeal on 10-5-1972—vide Ex.W-32. Undaunted by this final order passed by the Chairman, the Petitioner preferred Writ Petition No. 1347 of 1972 on the file of High Court seeking to quash the order of the Deputy Chairman dated 19-4-1972 and also the order of the Chairman dated 10-5-1972. Eventually, the High Court dismissed the writ—vide Ex.M-4 on 12-9-1973. Undeterred by this, Petitioner also filed Writ Appeal No. 203 of 1974 on the file of High Court, Madras and ultimately that appeal was dismissed on 25th September, 1975—vide Ex.M-5. Thereafter, on 18-12-1975, Petitioner issued a notice to the Chairman of the Management, copy of notice is marked as Ex.W-33 dated 18-12-1975 and the notice has been received by the Chairman on 22-12-1975. Later on, the Government of India has referred this to this Tribunal for adjudication on 4th March, 1980.

3. At the outset, the Respondent-Management takes the plea that the Respondent, Madras Dock Labour Board is not an industry as defined under section 2(j) of the Industrial Disputes Act, 1947 and as such the present reference is not maintainable in law. Support for this position is sought to be held by the decision of the Supreme Court reported in 1970—I-L.L.J—page 46 (Vishakhapatnam Dock Labour Board vs. Stewadores' Association, Visakhapatnam and others), where the Supreme Court held that Visakhapatnam Dock Labour Board is not an "industry" as defined in section 2(j) of the Industrial Disputes Act. This decision of the Supreme Court was rendered on 10th September, 1969. However, much water has flowed under the bridge ever since

and the latest decision of the Supreme Court of a larger Bench consisting of 7 Judges in an unanimous judgement reported in 1978—I—L.L.J.—Page 349 (Bangalore Water Supply & Sewerage Board, etc., vs. A. Rajappa and others, etc., etc.) had laid down several tests to find out if a given institution is an "industry" as contemplated under section 2(j) of the Industrial Disputes Act. At page 352, the Supreme Court points out specifically to a few cases as having been over-ruled and also state that other rulings whose ratio runs counter to the principles enunciated in the decision are over-ruled. Therefore although specifically the earlier decision of the Supreme Court reported in 1970—I—L.L.J.—Page 46 relied on by the Management is not included as having been over-ruled by necessary implication in the light of the cardinal principles enunciated in the Supreme Court, the decision rendered by the Supreme Court earlier cannot be held to be any longer good law. There is no dispute about the nature of the work carried on by the Respondent, viz., Madras Dock Labour Board. It will be redundant for me to refer to the various clauses of Exs.W-1 and M-1 to conclude the nature of the undertaking carried on by the Respondent-Management. On these uncontroverted facts in the light of the decision of the latest decision of the larger Bench of the Supreme Court referred to above, I have little hesitation to find that the Madras Dock Labour Board is an 'industry' as defined under section 2(j) of the Industrial Disputes Act, 1947.

4. The Respondent-Management has also taken up a stand that in the light of the orders obtained by the Petitioner in W.P. No. 1347/1972 on the file of High Court of Judicature at Madras dated 12-9-1973 which is marked as Ex.M-4 and also the order passed in Writ Appeal No. 203 of 1974 on the file of High Court of Judicature at Madras dismissing the appeal on 25-9-1975—vide Ex.M-5 and the matter having become final between the parties these decisions operate as *resjudicata* and therefore also the reference must be held to be incompetent and unsustainable in law. I have already set out the fact that in those writ proceedings and writ appeal, the Petitioner has challenged the order of dismissal passed by the Deputy Chairman, Madras Dock Labour Board on behalf of the Madras Dock Labour Board dismissing Petitioner on 19-4-1972 and also the appellate order of dismissal passed by the Chairman, Madras Dock Labour Board on 10-5-1972 on behalf of the Madras Dock Labour Board. The question whether the principle of *res judicata* as enacted in Section 11 of the Code of Civil Procedure would be applicable to industrial adjudication has been considered by the Supreme Court on different occasions. The earliest

decision on this point was the one reported in 1957—I—L.L.J. Page 226 (Burn & Co., Ltd., vs. their employees), where the Supreme Court enunciated the principle that though Section 11 of the Code of Civil Procedure enacting the rules of *resjudicata* is in terms inapplicable to the question under consideration, the principle underlying it, expressed in the maxim *interest rei publicae ut sit finis litium*, is founded on sound policy and is of universal application. After this decision of Supreme Court, there were other decisions of the Supreme Court which did not entirely support the earlier view of the Supreme Court. Thus the trend in the subsequent decisions of the Supreme Court is that application of technical rules such as *resjudicata*, acquiescence, estoppel etc., are not appropriate to industrial adjudication. However, the reason for not invoking strictly the principle of *res judicata* was that there may be variation in several factors like wage-structure, financial conditions, etc. However, the basic guidelines enunciated by the decision of the Supreme Court in Burn & Co., still holds the field under certain circumstances. In other words, the principle of *res judicata* to whatever extent it is applicable to industrial adjudication would have application only when there is an adjudication on the merits of the dispute in question and in order that a decision should operate as *res judicata* it must have been directly and substantially in issue in the former proceedings. In this background, I shall advert to the facts of the present case. The Petitioner has challenged his order of dismissal passed on 19-4-1972 by the Deputy Chairman, Madras Dock Labour Board as confirmed by the appellate authority Chairman, Madras Dock Labour Board on 10-5-1972 and he had sought to quash both these orders by filing Writ Petition No. 1347 of 1972 in the High Court of Judicature at Madras. At this juncture, I may also point out that in 1972 when the Petitioner resorted to redress his relief under the Constitution is perfectly understandable regard being had to the law as it stood at that time because at that stage the decision already referred to earlier in 1970—I—L.L.J.—page 46 the Supreme Court has held that Dock Labour Board is not an 'industry' as defined in Section 2(j) of the Industrial Disputes Act, 1947. Therefore, it is manifest that the Petitioner could not have sought for any relief under the Industrial Disputes Act. The later decision of the Supreme Court referred to earlier in 1978—I—L.L.J. Page 349 was rendered only on 21-2-1978. Therefore the only remedy left open for the Petitioner with regard to his dismissal passed by the Deputy Chairman of the Madras Dock Labour Board as confirmed by the Appellate Authority Chairman, Madras Dock Labour Board was to have taken writ proceedings. Thus the Petitioner has fully availed of redressing his grievance

in the only forum then available to him. Ex.M-4 is the order passed by the single bench of High Court of Judicature by Honourable Justice Ramaprasad Rao as he then was. Suffice for me to point out that the order passed by the High Court was on merit and Petitioner's claim was not disposed of on any technicalities. On the contrary, a perusal of the order passed by the High Court Ex.M-4 at page 6 would disclose the specific points raised by the learned advocate appearing on behalf of the Petitioner herein. Three points were specifically raised. The first was that the Enquiry Officer was biased. Secondly, the prescribed procedure was not adhered to, and, thirdly, the necessary facilities were not given to the Petitioner and no other arguments were addressed. The High Court has in extenso adverted to these three points raised on behalf of the Petitioner and specifically held that the Enquiry Officer was not in any way biased against the Petitioner and that Petitioner had been afforded reasonable opportunities to face the charge against him and that there was no error committed by any enquiring authority or the disciplinary authority or the appellate authority and that there was no failure of principles of natural justice and the trial conducted was fair. Therefore it is abundantly clear that the entire claim of Petitioner was considered on merits in all aspects and the High Court came to the conclusion that the dismissal of Petitioner was perfectly justified. Petitioner was not cowed down by the decision of the High Court and therefore preferred a Writ Appeal also before the High Court of Judicature and eventually the Writ Appeal No. 203 of 1974 was also dismissed on 25-9-1975, a copy of which is marked as Ex.M-5. It should also be remembered that the appeal was not dismissed at the admission stage. The Division Bench of the High Court also says that every opportunity was given to the Appellant (Petitioner) but that he had only half-heartedly participated in the enquiry and that being the case, it was not open to the Petitioner to complain of any violation of the principles of natural justice. The Division Bench of the High Court points out that charges were framed and there was no vagueness about them, an enquiry followed at which witnesses were examined and he was given an opportunity to cross-examine, though he did not avail himself of it. In the face of the order of the Division Bench in Writ Appeal No. 203 of 1974, it does not lie in the mouth of the Petitioner to turn round and challenge the orders passed by the High Court in original jurisdiction and appellate jurisdiction. The Petitioner did not take this matter to Supreme Court and therefore the decisions have become final. The Writ Appeal by the High Court was disposed of on 25-9-1975. Thereafter the Petitioner issued a notice to the Chairman, Deputy

Chairman and the Labour Officer of the Management on 18-12-1975, copies of which respectively marked as Exs.W-33, W-35 and W-37. No data has been placed to show as to when and how and whether at all the Petitioner had set the industrial law in motion. However only on 4-3-1980, the Government of India has referred this issue for adjudication by this Tribunal. In the reference of the Government of India, there is no whisper about any conciliation proceedings between the Petitioner and the Respondent-Management. Exs.W-11 and W-12 does not relate to the dismissal of the Petitioner. Exs.W-11 and W-12 relate to a charter of 24 demands raised against the Management of Madras Dock Labour Board in view of the representations made by the Union on 18-11-1971. The Management has submitted their views on 17-12-1971. Thus neither Ex.W-11 nor W-12 could relate to suspension of the Petitioner from 4-1-1972 or subsequent dismissal on 19-4-1972. In any view, the claim of Petitioner to challenge his dismissal made in 1972 having been finally determined by High Court and the Division Bench of High Court, that is considerable force in the contention of the Respondent-Management that on the peculiar facts of the case, the decision rendered by the High Court would operate as *res judicata* against the claim now made by the Petitioner before this Tribunal. In that view, the reference cannot be held to be competent or sustainable in law.

(5) However, assuming that the claim under the present reference is not barred on principles of *res judicata*, I shall examine if any case is made out to come to the conclusion that the dismissal of the Petitioner by the Respondent-Management is unjustified. At this stage, I may point out that no material has been placed after the disposal of the claim of Petitioner before High Court. Therefore, all the materials were challenged and canvassed even before the High Court in 1973 and also in 1975 before the Division Bench. The simple charge levelled against the Petitioner was that he addressed a gate meeting inside the harbour from 5.45 A.M. till 6.00 A.M. on 4-1-1972 when he instigated his co-workers to stop work and not to discharge the cargo and that accordingly work was suspended from 7.00 A.M. on 4-1-1972. The plea taken up by the Petitioner was one of *alibi* that he was not present at the time as alleged by the Management and that he was present elsewhere with his friend Annamalai with whom Petitioner is said to have been between 10.30 P.M. on 3-1-1972 till 2.00 P.M. on 4-1-1972. The Petitioner was suspended on 4-1-1972—Vide Ex. W-16. In Ex. W-16 the Labour Officer of the Madras Dock Labour Board has suspended Petitioner on the basis that *prima facie* Petitioner has instigated the workmen between 5.45 A.M. and 6.00 A.M. on 4-1-1972 and consequently the strike took place from 7.00 A.M. Ex.

W-20 is the explanation offered by Petitioner 3 days later (i.e.) 7-1-1972. Significant to point out that in the earliest explanation Ex. W-20 there is no whisper that Petitioner was with Annamalai at about the relevant time. Therefore this plea of *alibi* was not put forth on 7-1-1972. Ex. M-7 is the copy of the statement given by the Petitioner on 22-1-1972. Even in this statement the present plea of *alibi* with Annamalai has not been set out. On the other hand only for the first time on 1-4-1972 under Ex. W-28 page 3 Petitioner has taken up this plea of *alibi* that he was in his home between 5.45 PM and 2.00 P.M. on 4-1-1972. The Labour Officer conducted the enquiry as enjoined under Rule 45 of the Regulations Ex. W-1. Ex. M-3 is the report submitted by the Labour Officer concerned on 7-3-1972. Johnny Hober, Padmanabhan, R. Ramachandran, S. Kuppuswamy, S. Mariappan, G. Krishnamurthi and Ellappau were examined by the Labour Officer in support of the charge referred to in Ex. M-10. Ex. M-6 series, M-11, M-12 and M-13 would clearly show the examination of these witnesses in the presence of the Petitioner, but Petitioner refused to cross-examine these witnesses on the ostensible ground because he was not present at the scene on 4-1-1972 and was present elsewhere and there is no need to cross-examine these witnesses. Therefore it is clear that opportunity was offered to the Petitioner to cross-examine the witnesses relied on by the Management in support of the charge. After the enquiry was over, the Petitioner himself had given a statement on 22-1-72 copy of which is marked as Ex. M-7. Significantly in Ex. M-7, Petitioner did not seek for examining any witness on his side. Therefore on the basis of the uncontroverted testimony of the 7 witnesses, the Labour Officer had no choice but to find the Petitioner guilty and accordingly he had given a finding and submitted the report to the Deputy Chairman of the Madras Dock Labour Board on 7-3-1972—vide Ex. M-3. The Deputy Chairman who is a contemporary officer, empowered under certain circumstances to take over the matter gave the Petitioner an opportunity to substantiate his claim that the Petitioner was in fact elsewhere, viz., the plea of *alibi*. Accordingly an opportunity was given to the Petitioner to examine his witnesses. No doubt, Petitioner cited two witnesses Annamalai and Thirunavoo, but on the date of enquiry, viz. 6-4-1972, Annamalai alone was present and he was examined before the Deputy Chairman. Ex. M-8 is the copy of deposition of Annamalai recorded by the Deputy Chairman on 6-4-1972. The Deputy Chairman again granted time till 18-4-1972 to produce the other witness. On 18-4-1972, as seen from Ex. M-9, Petitioner made an endorsement that he is satisfied with the examination of Annamalai and that case can be disposed of by the Deputy Chairman on merits in

the light of other materials. The Deputy Chairman sifted the entire evidence and also the contentions raised by the Petitioner and came to the conclusion that the plea of *alibi* set up by Petitioner is unacceptable and accepting the uncontroverted testimony of 7 witnesses had that the Petitioner was present on 4-1-1972 between 5.45 A.M. and 6.00 A.M. and incited the workmen to go on strike. Ex. W-30 is the detailed order passed by the Deputy Chairman, Dock Labour Board, Madras. Not satisfied with the order of the Deputy Chairman as provided under the Regulation, Petitioner also preferred an appeal before the Chairman, Dock Labour Board. On 10-5-1972, the Chairman, Dock Labour Board rejected the appeal filed by the Petitioner—vide Ex. W-32. In the face of these materials, I have absolutely no difficulty to find that the Management conducted enquiry into the charge against Petitioner and Petitioner was afforded opportunity to cross-examine the witnesses examined by the Management and Petitioner was subsequently allowed to state his case and examined a witness on his behalf in support of his case of *alibi* and on the totality of the materials placed, the Deputy Chairman, Madras Dock Labour Board held the charge proved and on appeal the same was confirmed by the Chairman. Therefore, it is clear that all reasonable opportunities were afforded to the Petitioner to defend himself and the Petitioner has in fact availed all those opportunities and Petitioner has availed himself of preferring appeal as provided under the Regulation and therefore by no stretch of imagination can it be said that the action of the Management is unjustified. A faint plea that he was victimised by the Labour Officer has been rejected by the Deputy Chairman and the Chairman of the Madras Dock Labour Board and this has been specifically adverted to by the High Court and confirmed in Ex. M-4 as well as in Ex. M-5. After exhausting all his remedies before the High Court the present proceedings initiated by the Petitioner is nothing but a second addition of his claim which has already been weighed on the evidence by the competent authorities as well as by the High Court and the Division Bench of the High Court and found wanting on merits. Looked at from any point of view, the Petitioner is not entitled to any relief.

(6) In the result, an Award is passed dismissing the claim of the workman Sri A. S. Kasinathan. In the peculiar circumstances, I direct the parties to bear their respective costs.

Dated, this 18th day of July, 1980.

T. SUDARSANAM DANIEL, Presiding Officer.

[No. L-33012/1/76-D. IV (A)]

WITNESSES EXAMINED

For both sides : None

DOCUMENTS MARKED*For Workman*

- Ex.W-1 —Compilation of the Dock Workers (Regulation of Employment) Act, 1948 and Schemes and Rules framed thereunder.
- Ex.W-2 —Revised Standing Orders for the Daily workers of the Madras Dock Labour Board—Part I.
- Ex.W-3/6-12-66—Appointment order issued to the worker.
- Ex.W-4/6-71 —Appeal memorandum of the workman filed before the Deputy Chairman against the order of the Labour Officer dt. 2-6-1971.
- Ex.W-5/7-7-71 —Memo for directing the workman to see the Secretary of the Madras Dock Labour Board on 9-7-1971 in connection with his appeal.
- Ex.W-6/14-7-71—Memo directing the workman to see the Deputy Chairman on 16-7-1971 in connection with his appeal.
- Ex.W-7/11-10-71—Order of the Deputy Chairman of the the Dock Labour Board setting aside the warning order issued by the Labour Officer.
- Ex.W-8/6-10-71 —Letter from the Additional Registrar of Trade Unions, Madras to the Tamil Nadu Port Trust Dock Labour Board Depressed Classes Workers League (Sangam), Madras with certificate of Registration of Trade Unions.
- Ex.W-9/18-11-71—Letter from the Tamil Nadu Port Trust, Dock Depressed Class Workers League (Sangam) to the Regional Labour Commissioner, Madras enclosing the demands.
- Ex.W-10/27-12-71—Letter from the Assistant Labour Commissioner, Madras to the Tamil Nadu Port Trust and Dock Depressed Classes Workers Leagues appending the letter of the Management.
- Ex.W-11/12-7-72—Conciliation letter sent to the Management and the Tamil Nadu Port Trust, Dock Depressed Class Workers League, Madras.
- Ex.W-12/3-11-72—Conciliation failure report. (copy).
- Ex.W-13/14/11/72—Letter from the Government to the Tamil Nadu, Port Trust and Dock Depressed Classes Workers' League, Chennai stating that the Conciliation report was received on 8-11-1972.
- Ex.W-14. —Printed pamphlets issued by the Madras Harbour C.I.T.U. Workers Sangam.
- Ex.W-15/4-1-72—Notice of the Management regarding strike.
- Ex.W-16/4-1-72 —Proceedings of the Management suspending the workman pending enquiry.
- Ex.W-17/ -1-72 —Deputy card of the workman.
- Ex.W-18/6/-1-72 Printed pamphlet issued by the Madras Harbour workers union regarding Festival days wages.
- Ex.W-19 —Printed pamphlet issued by the Madras Harbour and Dock Workers Munnetra Sangam, Madras regarding Festival days wages.
- Ex.W-20/7-1-72 —Letter from the workman to the Management regarding his suspension.
- Ex.W-21/12-1-72 —Order of the Deputy Special Officer of the Management confirming the suspension order issued to the workman.
- Ex.W-22/17-2-72 —Charge sheet issued to the workman
- Ex.W-23/23-2-72 —Explanation of the workman to Ex.W-22.
- Ex.W-24/14-3-72 —Show cause notice proposing the punishment of dismissal.
- Ex.W-25/21-3-72—Letter from the workman to the Management for furnishing a copy of enquiry report.
- Ex.W-26/23-3-72—Letter from the Management to the workman enclosing the finding of the Labour Officer.
- Ex.W-26/29-3-72—Memo issued to the workman enclosing a copy of deposition of Thiru R.P. Tindal.
- Ex.W-28/1-4-72—Reply of the workman to Ex. W-24.
- Ex.W-29 —Statement of Thiru Annamalai.
- Ex.W-30/19-4-72—Order of the Deputy Chairman of the Management dismissing the workman.

Ex.W-31/29-4-72—Memorandum of appeal of the workman against the dismissal order filed before the Chairman of the Management.

Ex.W-32/10-5-72—Order of the Chirman of the Management rejecting the appeal.

Ex.W-33/18-12-75 Notice given by the workman to the Chairman of the Management regarding his dismissal.

Ex.W-34/22-12-75—Postal acknowledgement and receipt No. 1477.

Ex.W-35/18-12-75 Notice given by the workman to the Deputy Chairman of the Management regarding his dismissal.

Ex.W-36/22-12-75—Postal acknowledgement and receipt No. 1479.

Ex.W-37/18-12-75 Notice given to the Labour Officer of the Managment by the workman regarding his dismissal.

Ex.W-38/22-12-75—Postal acknowledgement and receipt No. 1478.

For Management

Ex.M-1 —The Scheme—The Madras Dock Workers (Regulation of Employment) Scheme, 1956.

Ex.M-2/12-1-72 —Copy of Ex. W-21.

Ex.M-3/7-3-72 —Report of the Labour Officer. (Copy)

Ex.M-4/12-9-73—High Court's Order in W.P. No. 1347/72.

Ex.M-25/9-75 —High Court's order in W.A. No. 203/74.

Ex.M-6 series

22-1-72 —Statement of Tvl. Johny Haber, Padmanabhan, R. Ramachandran and S. Kuppusamy (Copies).

Ex.M-7/22-1-72 —Statement of Thiru Kasinathan.

Ex.M-8/- —Statement of Thiru Annamalai.

Ex.M-9/17-4-72

18-4-72 —Relevant portion of the enquiry proceedings (Copy).

Ex.M-10/4-1-72 —Report of Thiru Selvaraj against the workman (Copy).

Ex.M-11/28-1-72—Statement of Thiru S. Mariappan (Copy).

Ex.M-12/16-2-72—Statement of G. Krishnamurthy (Copy).

Ex.M-13/16-2-72— -do- Ellappan. (Copy).

T. SUNDARSANAM DANIEL,
Industrial Tribunal.

Note: Parties are directed to take return of their document(s) within six months from the date of publication of the Award.

New Delhi, the 7th August, 1980

S.O.2095.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay, in the industrial dispute between the employers in relation to the management of Messrs Chowgule and Company Private Limited, Mormugao Harbour, Goa and their workmen, which was received by the Central Government on the 31st July, 1980.

BEFORE CENTRAL GOVERNMENT

Shri Jitendra Narayan Singh Presiding Officer
INDUSTRIAL TRIBUNAL NO. 2,

BOMBAY

Reference No. CGIT-2/12 of 1976

PARTIES : {Employers : In Relatoin to the Management of : Messrs Chowgule and Company Private Limited, Mormugao Harbour, Goa

AND

Their Workmen.

APPEARANCES:

For the Employers : Shri P. K. Rele,
Solicitor & Advocate

For the Workmen : No appearance.

INDUSTRY : PORTS AND DOCKS

State : GOA, DAMAN AND DIU

Bombay, dated the 14th July, 1980

AWARD

The Government of India, in the Ministry of Labour in exercise of the powers conferred under Section 10(1)(d) of the Industrial Disputes Act, 1947 referred to this Tribunal the following industrial dispute for adjudication vide Order No. L-36011(10)/75-D.IV(A) dated 10-5-1976 :—

“Whether the demand of the workmen employed at the Mechanical Ore Handling Plant of Messrs Chowgule and Company (Private) Limited, Goa for payment of difference of over time allowance arising out of the scales of pay revised on the recommendations of the Central Wage Board for Port and Dock Workers, is justified. If so, to what relief are the workmen concerned entitled ?”

2. The claim of the workmen is that the Government of India, Ministry of Labour and Employment by its Resolution No. WB-21(7)/69 dated 28-3-1970 accepted the recommendations of the Central Wage Board for Port and Dock Workers by which the workmen employed in the Mechanical Ore Handling Plant of the present employer were also covered. It is stated that the management is one of the leading houses in Goa as well as in India dealing with mainly Export of Iron Ore, Mining and shipping industry among others and for the purpose of carrying on their business/trade, the management owns number of ships, barges, palletisation plant at Pale Mines for the purpose of exporting Ore from Mormugao Port to Foreign countries through Ocean going vessels and it employ over 350 workmen in various categories. These workmen have become members of the Goa Dock Labour Union which is the premier trade Union representing majority of the Dock workers including barge crew. It is further stated that the benefit of Wage Board recommendations as accepted by the Government of India were extended to the workmen concerned with retrospective effect from 1-1-1969, and subsequently the wage structure stood changed with retrospective effect from 1-1-1969, and the workmen were to be paid overtime on the basis of pre-revised wages with effect from 1-1-1969, but it did not find favour with the management and series of negotiations between the Union and the management failed to bring any result.

3. It is further submitted that the point for adjudication is whether the workmen are entitled to the difference of overtime allowance arising out of scales of pay revised on the recommendations of the Central Wage Board for Port and Dock Workers, and that the overtime has to be calculated on the basis of the emoluments drawn by the workmen. It is also stated that the Port authorities and the Dock Labour Boards all over the country including those in the Mormugao Port paid such differences in overtime allowance to their employees arising out of pay scales revised due to implementation of the Wage Board Recommendation.

4. The case of the management however, is that the question regarding difference in overtime alleged to be arising as a result of revision of scales of pay pursuant to the recommendations of the Central Wage Board for Port and Dock Workers cannot be agitated by the Union because the said question was settled between the company and the workmen employed by the company at its Mechanical Ore Handling Division which are represented by Chowgule Mechanical Ore Handling Division, Mormugao Power House and Barge Workers' Union by reason of settlement dated 25-2-1972 arrived at between the said Union

and the company. When the aforesaid settlement was made and that the aforesaid settlement has not been terminated till now it is submitted that the demand is not maintainable and bad in law. Hence this reference is to be rejected on this ground itself.

5. It is further stated that in 1970 the workmen of the company formed a trade union called 'Chowgule Mechanical Ore Handling Division, Mormugao, Power House and Barge Workers' Union and affiliated the union to the All India Port and Dock Workers' Federation, Bombay. The Wage Board made its recommendations on 29-11-1969 and the Government of India by its resolution dated 28-3-1970 accepted the recommendations of the Wage Board and ordered that it should be given retrospective effect from 1-1-1969. According to the management the recommendations were implemented by the management from the beginning of January, 1971 and not from 1969 as recommended by the Government. It is further stated that in the meantime, Chowgule Mechanical Ore Handling Division, Mormugao Power House and Barge Workers' Union served a charter of Demand on the company and a settlement was arrived at on 25-2-1972. The said settlement has been marked as Annexure 'A' to the written statement. It is stated that the said settlement, the company with a view to maintaining industrial peace and harmony agreed that 10% of the total wages of the workmen in the calendar year 1971 would be paid to the workmen in full and final settlement of all the claim arising as a result of retrospective effect to the demands contained in the charter of demand which included recalculations of their overtime wages arising out of revision of wage scales and dearness allowance. The said amount according to the management has already been paid to these workmen. It is further stated that the middle of 1972 this Union succeeded in obtaining controlling majority of the workmen employed by the company at M.O.H.P. and in complete disregard to the earlier settlement dated 25-2-1972 served a charter of demand on the management on 4-10-1974. The said charter of demand included many demands which were covered by the settlement dated 25-2-1972. The company however with a view to maintain industrial peace and harmony discussed the matter with the Union, and an understanding was arrived at between the company and the Union which was incorporated in the form of a draft agreement and was forwarded to the Union. It was agreed that the company would pay by way of ex-gratia 3.67 of the salary of the workmen employed in the year 1971-72 before February, 1972. The draft settlement which was duly approved by both the parties was however not signed on behalf of the Union. The workmen went on strike from the second shift on 28-2-1973. Discussions were

held which resulted in failure. It is submitted that in view of the settlement dated 25-2-1972 the present workmen are not entitled to any claim.

6. The facts of the case and from the record it will appear that both the parties filed written statements and at the instance of the parties the case was ordered to be heard sometimes in Goa and sometimes at Bombay. Consequently at the instance of the Union the case was to be heard at Bombay. It appears that on 8-1-1972 argument was heard on behalf of the management by my predecessor in office and the Union was directed to appear on 15-1-1979. On 15-1-1979 the Union prayed for time which was allowed and the case was adjourned for hearing at Bombay on 13-2-1979. On that date the Advocate for the Union was present but none appeared for the management and it was adjourned to 17-2-1979. It appears that it was again adjourned to 16-4-1979 to be heard at Bombay. On that date time was again given and it was adjourned to 27-4-1979. None appeared on behalf of the Union and the case was adjourned for peremptory hearing on 1-6-1979. It appears that thereafter my predecessor in office was transferred and the case remained pending.

7. I took over charge in the last week of February 1980, and the case was fixed for hearing on 25-3-1980. When the case was taken up on 25-3-1980 the management's advocate was present but the workmen or the Union remained absent. Accordingly notice was issued to the Union again directing to come for hearing on 11-4-1980. The workmen did not appear in spite of notice and they sent an application for adjournment. It was again adjourned to 7-5-1980 and notice was issued. On 7-5-1980 also the workmen did not appear and sent an application that the case be fixed at Goa. It was objected to by the Advocate for the management as no evidence was to be recorded and the case was fixed for argument only. It was adjourned for hearing on 22-5-1980. It was also mentioned in the notice that if the Union did not come for hearing the matter would be decided on the material available on record. A telegram was received from the Union on 21-5-1980 praying to fix the case at Goa. It will appear that there was specific order that the hearing of the case will take place in Bombay, but in spite of that order the Union sent a telegram. The Union was again given time and notice was issued directing them to come ready for argument on 4-6-1980 at Bombay failing which the matter would be heard and decided 'ex parte'. The Union was also informed that its prayer for hearing in Goa has already been rejected. It appears that on 26-5-1980 the Secretary of the Union appeared before the Tribu-

nal and requested for two month's time on the ground that his advocate has expired. But it will appear that the Advocate for the Union had expired sometime in December, 1979 or January, 1980 and several adjournments were allowed to the Union at its instance thereafter but still the Union did not get ready nor engage any lawyer. However another chance was given to the Union. They were directed to come ready on 3-7-1980. But on 3-7-1980 also the Union or the workmen did not appear in spite of service of notice. The final argument on behalf of management was heard and the case was kept for Award.

8. Thus it will appear that the Union was given more than sufficient opportunity to argue the case but they did not take any interest. Hence there was no alternative but to hear the argument ex-parte.

9. In support of their case the management has filed affidavit of Shri D. P. Sinha, Manager, Industrial Relations. He has supported the written statement filed on behalf of the management. There is no affidavit or any other documents on behalf of the Union, though the case was pending since 1976. It is not denied that the workmen concerned in this case formed a Union called Chowgule Mechanical Ore Handling Division Mormugao, Power House and Barge Workers' Union in the year 1979 and it was affiliated to the All India Port and Dock Workers' Federation, Bombay. The fact that this very union entered into a settlement on 25-2-1972 has also not been denied. It is also not denied that subsequently these workers became members of the present union viz. Goa Dock Labour Union and they made a separate demand regarding payment of difference of overtime allowance. The present Union also had some discussions with the management and a draft settlement had been prepared but ultimately it was not signed by them and consequently the draft settlement is not at all binding on them. The concerned workmen however is bound by the settlement dated 25-2-1972, which was arrived at by their Union and the management as during the said period the concerned workmen were members of the said Union.

10. It is not disputed that the Wage Board recommendations were made in the year 1969 which was accepted by the Government. The management however did not give effect to it since 1-1-1969 as recommended by the Government but implemented it from 1971. The dispute thus relate to the payment of difference of overtime wages on the scales of pay revised on the recommendations of the Wage Board and it is for the period from 1-1-1979 to December, 1970 only because the management has given effect to the pay scale from the beginning of 1971. It is therefore to be considered whether the workmen are entitled to overtime allowance on the revised scale for the years 1969 and 1970 or not.

11. Annexure 'A' to the written statement is the terms of settlement arrived at between the management and their workmen represented by the Chowgule Mechanical Ore Handling Division, Mormugao, Power House and Barge Workers Union and annexure to this settlement is the minutes of discussions between the Union and the management held on 11th and 12th January, 1972. Para 5 of this settlement says that in respect of the other demands contained in the Union's charter of demands mutual agreement has been arrived at as per annexure attached. Para 2 of the settlement gives the reasons as to why the management was not in a position to give retrospective effect regarding the payment of difference in overtime wages arising out of revision of pay scale on the recommendations of the Wage Board. Para 6 of the agreement shows that in consideration of having arrived at this mutual settlement the management has agreed to pay along with the salary for the month of March, 1972 to the staff covered by the dispute an amount equal to 10% of the total wages in the calendar year 1971 in full satisfaction to the Union's request for retrospective effect to the demands contained in the charter of demand submitted by the Union. Para 7 says that the Union guaranteed to have this agreement duly registered under the I.D. Act before the conciliation authority concerned and to refrain from raising any claim, demand or dispute in respect of the matters covered for a period of three years with effect from 1-1-1972 to 31-12-1974.

12. Thus from the aforesaid settlement it will appear that in lieu of giving retrospective effect to the demand for overtime allowance the Union accepted 10% of the total wages in the calendar year 1971 in full satisfaction of the demand, and the present workmen were members of the Union which entered into the aforesaid agreement. They are bound by the same and by subsequently joining another union, they cannot go back to the agreement already arrived by them with the management and the same issue cannot be re-agitated again, and no further claim can be made as they have already accepted 10% of the total wages in the calendar year 1971 in full satisfaction to the Union's request for giving retrospective effect to the demand made by them.

13. Further there is nothing in the Wage Board recommendations that the overtime allowance should also be calculated on the scale of pay as recommended by the Wage Board with effect from 1969.

14. Considering these I hold that the concerned workmen are bound by the settlement dated 25-2-1972 and they are not entitled to claim any difference in overtime allowance arising out of the scales of pay revised on the recommendations of the Central Wage Board for Port and Dock Workers for the year 1969 and 1970.

15. It has been urged on behalf of the management that they have given effect to the recommendations of the Wage Board from the beginning of 1971 and these workmen were given overtime allowance also on the revised scales of pay as per recommendations of the Wage Board. This fact has not been denied and it is presumed that the present workmen is getting the same.

16. In the result it is held that the present workmen are not entitled for the payment of difference of overtime allowance arising out of the scales of pay revised on the recommendations of the Central Wage Board for Port and Dock Workers for the year 1969 and 1970.

Award is given accordingly.

No order as to costs.

Sd/-

JITENDRA NARAYAN SINGH,
Presiding Officer

[No. L.—36011/10/75-D-IV (A)]

Dated 23rd, July, 1980

S.O. 2096.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay, in the industrial dispute between the employers in relation to the management of Messrs V.S. Dempo and Company Private Limited, Panaji (Goa) and their workmen, which was received by the Central Government on the 31st July, 1980.

BEFORE SHRI JITENDRA NARAYAN SINGH
PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2,
BOMBAY

Reference No. CGIT-2/4 of 1978

PARTIES :

Employers in relation to the management of Messrs V. S. Dempo and Company Private Limited, Panaji (Goa).

AND

Their Workmen.

APPEARANCES :

For the Employer : Shri P.K. Relo,
Solicitor and Advocate.

For the Workmen : 1. Shri P. Ramaswami
2. Shri M.B. De Costa
Advocates.

Industry : Ports and Dock

State : Goa, Daman and Diu

Bombay, dated the 18th July, 1980.

AWARD

1. The Government of India, in the Ministry of Labour in exercise of the powers conferred under Section 10(1)(d) of the Industrial Disputes Act, 1947 referred to this Tribunal an industrial dispute mentioned below for adjudication by order No. L-36012(3)/78-D. IV(A) dated 13-6-1978 :—

“Whether the action of the management of Messrs. V.S. Dempo and Company private Limited, Panaji (Goa) in terminating the services of Shri Carlos Bruto da Costa Junior Engineer on L.V. Priyadarshini with effect from 10th January, 1978 is justified ? If not, to what relief is the concerned workman entitled ?”

2. According to the workman he is a graduate in Electrical Engineering of the University of Bombay and his case is that he was appointed as a Trainee Engineer with effect from 16-6-1975, on terms and conditions set out in the letter of appointment dated 13-6-1975. The workman joined duties on 16-6-1975 on L.V. Priyadarshini a re-loading vessel belonging to the management of Mormugao Harbour. By the letter of appointment he was directed to work under the Commander Engineer in Charge of the vessel. It is then alleged that the workman concerned was absorbed as a Junior Engineer from 1-8-1976 and as his services were found satisfactory he was confirmed as a permanent employee from 1-1-1977. It is submitted that the workman concerned, in the discharge of his duties and the performance of his functions, was manually doing the work of overhauling and maintenance of various machineries of the said vessel.

3. It is, then, alleged that in or about September 1977 an Union was formed, which was duly registered with the competent authority and all the engineers working on the said vessel became members of the said Union. The Union was named as Loading vessel Priyadarshini Staff Association. The management was also intimated about the formation of the said union by letter dated 6-9-1977 and also sent a Charter of demands on the same day, but the Director of the management insisted that as a pre-condition to any negotiation the said Union should be dissolved, but it was not conceded to and the Union gave strike notice. The Assistant Labour Commissioner (C), Vasco-da-Gama started conciliation proceedings but during the conciliation proceedings the management terminated the services of two workmen and conciliation proceedings ended in failure. The Engineers on Board of the said vessel went on strike on 31-12-1977, during that time the concerned workman was however on leave. It is however alleged that in the first fortnight of January 1978 the management arbitrarily

and illegally terminated the services of all other engineers, including the concerned workmen vide letter dated 10/11-1-1978. Some attempts were made to come to an amicable settlement. It is then stated that some engineers gave letter of apology on which they were reinstated but the concerned workman did not tender any apology but wrote a letter dated 10-3-1978 stating that the termination of his service was mala fide, illegal and in contravention of the law. He also refused to accept demand draft for Rs. 525/- as part payment of his wages.

4. It is submitted by the workman that he was an active member of the above Union and took part in the discussions and he is a workman within the meaning of Section 2(s) of the Industrial Disputes Act 1947. As he sympathised with the other engineers his service were terminated illegally, which is a clear case of victimisation. He also stated that no charge-sheet was ever submitted against him nor was any enquiry held and his termination of service was illegal, and unwarranted and that he should be reinstated in service with back wages and all other benefits attached thereto.

5. The management has come to contest the claim of the concerned workman with their written statement. According to them the present reference is bad in law and untenable. According to them the concerned workman was employed as an engineer on loading vessel Priyadarshini from 16-6-75 to 11-1-1978. As an Engineer his main duties were to supervise operation and maintenance work of 86 workmen and to distribute work and control 28 workmen working under him. It is further stated that the total monthly emoluments of the concerned workman on the date of termination were Rs. 990/-. It is further stated that by qualifications and duties, the concerned workman as an Engineer was doing supervisory functions and any manual work that he did was of very insignificant and incidental nature. According to them the Union formed by the Engineers was also named by them as an Association of Supervisory Staff of Loading Vessel L.V. Priyadarshini. According to the management the engineer concerned is not a workman. It is further submitted that the loading vessel Priyadarshini is registered as a vessel under the Merchants Shipping Act 1958 and the concerned workman was employed on the said vessel and was thus employed as a crew of a ship within the meaning of the said Act. Under Section 150 of the said Act all disputes between Seamen and Employers are required to be determined in accordance with the provisions of Section 150 of the Act and the Industrial Disputes Act is not applicable to such cases and on this ground also the present reference is not main-

tainable. The Government has no jurisdiction to make the said reference.

6. It is stated by the management that the employee concerned was engaged in a supervisory capacity and his main functions were supervisory in nature involving supervision over the work of 86 workmen and the employee was fully responsible for the work of 28 workmen working under him. It is emphatically denied that the employee was doing the work of overhauling and maintenance of various machineries on board the vessel. The other allegations made by the workman have been denied and it is not necessary to mention at this stage, because at this stage finding has to be given only on the preliminary issues raised by the management.

7. The workman however has filed rejoinder to the written statement filed by the management in which also the main contention of the concerned employee is that he is a workman under the Industrial Disputes Act.

8. The following preliminary issues arise for determination in this case.

1. Whether the employee concerned is a workman within the meaning of Section 2(s) of the Industrial Disputes Act, 1947 ?
2. Whether the Industrial Disputes Act applies in the present case or whether it is to be governed under the Merchants Shipping Act, 1958 ?

Issue No. 2

9. So far as issue No. 2 is concerned it was not pressed on behalf of the management at the time of arguments and it was conceded on behalf of the management that the Industrial Disputes Act is applicable to the facts of the present case. This issue is accordingly decided in favour of the employee.

Issue No. 1

10. This is the main issue in this case. The word 'workman' has been defined under Section 2(s) of the Industrial Disputes Act, 1947, which runs as follows :—

"2(s) 'workman' means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward whether the terms of employment be express or implied and for the purposes of any proceeding under this Act in relation to any industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

- (i) who is subject to the Army Act, 1950 or the Air Force Act, 1950 or the Navy (Discipline) Act, 1934 or
- (ii) who is employed in the police service or as an officer or as an officer or other employee of a prison; or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

11. Both the parties have relied on the principles enunciated in the ruling of the Supreme Court reported in 1970, 11, LIJ, page 590 (Burmah Shell Co. v. Burmah-Shell Management Staff Association) in order to determine whether the concerned workman is a 'workman' within the meaning of Section 2(s) of the Industrial Disputes Act, 1947 or not. The main criteria for determining this issue is that it must be ascertained as to what is the main and substantial work for which the workman is employed to do. If it is supervisory work it must be held that he is employed to do supervisory work though he may also be doing some technical, clerical or manual work. If, on the other hand the supervisory work be incidental to the main or substantial work of any other type that is clerical, manual or technical, employment would not be in a supervisory capacity. In the case of a person employed to do technical work it depends upon special mental training or scientific or technical knowledge. If the man is employed because he possesses such faculties and they enable him to produce something as a creation of his own he will have to be said to be employed on technical work even though, in carrying out that work, he may have to go through a lot of manual labour. If, on the other hand, he is merely employed in supervising the work of others, the fact that for the purpose of proper supervision, he is required to have technical knowledge will not convert his supervisory work into technical work. The work of giving advice and guidance cannot be held to be an employment to do technical work. A person with technical qualification could on that account be employed in supervisory capacity and in such a case he would be held to do supervisory work.

12. Applying the above tests it was held in the above ruling that the Transport Engineer whose principal duties to see that the work is properly done by the skilled and unskilled workmen working under him, must be held to have been employed to do supervisory work and not technical work and in view

of the fact that he was drawing salary of more than Rs. 500/- per month it must be held that he was not covered by the definition of workman under Section 2(s) of the Industrial Disputes Act, 1947. The fact that he himself drives the vehicles to find out the defects and also sees that it is made road worthy after the repairs would not make his duties substantially manual or technical.

13. Applying these principles it has to be seen in this case as to whether the concerned workman come under the definition of Section 2(s) of the Act. For this purpose we have to look into the documents, oral evidence and the circumstances of the case.

14. Ex. W-1 is the letter dated 13-6-1975 appointing the concerned workman Shri Carlos Bruto da Costa (hereinafter to be mentioned as 'Shri da Costa'), Para. 8 of this letter shows that as a Trainee Engineer the concerned workman was to obey the orders and follow the instructions issued by the Commander/Engineer in charge of the Vessel L.V. Priyadarshini and he was to be responsible for the works mentioned at clauses (i) to (iv) of the said order. Out of them Clause II is material, which runs as follows :—

“You will be required to perform apart from regular work in assisting, overhauling and maintenance of various machineries at the discretion of the Commander/Engineer-in-charge.”

15. Ex. W-2 is another letter dated 21-7-1976 by which the concerned workman was posted as Junior Engineer on probation. E. W-3 is a letter dated 17-2-1977, by which he was confirmed as a Junior Engineer and this letter besides mentioning pay etc. shows that other terms and conditions as mentioned in the earlier letter will remain unaltered.

16. From the letter of appointment Ex. W-2 it will appear that the workman was directly under the charge of the Commander/Engineer-in-charge and was required carry out the responsibilities assigned to him from time to time. Ex W-1 shows that he was required to perform apart from regular work in assisting, overhauling and maintenance of various machineries at the discretion of the Commander/Engineer-in-charge.

17. Both the sides have put different interpretation to the above clauses. According to the workman his main function was overhauling and maintenance of various machineries of the vessel, in question, but according to the management the workman concerned was assigned to do regular work and besides that he was to assist in overhauling and maintenance of various machineries. It is submitted on behalf of the management that the workman concerned attended to several other works, which were supervisory in nature and he

was to supervise the work of fitters and other employees who were working under him though technically he used to give advice to them when necessity arose for technical matters. The fact as to whether the main function of the workman concerned was of a 'workman' or was of Supervisory character is to be considered on evidence and circumstances and the conditions of service as mentioned in the appointing letter is also to be interpreted on the basis of evidence and the circumstances.

18. Ex.W-5 is a letter sent by the workman to the management dated 14-3-1978 informing that he was a workman and that he should be reinstated. This letter has got no relevancy at this stage. The workman concerned has also relied upon Ex.W-8 which is a letter of appointment of a technical assistant and it is submitted that the technical assistant is admittedly a workman, but his terms of appointment will show that he was required to do same work as the concerned workman and in support of it the workman concerned has relied upon Para 9(ii) of the said letter which runs as follows :—

“You will be required to do, apart from your duty, work assigned to you in overhauling and maintenance or assist in overhauling and maintenance of various machineries, at the discretion of the Commander/Engineer-in-Charge.”

It is submitted that the same terms are used in this appointment letter as the appointment letter of the concerned workman. On a close scrutiny however, it will appear that there is some difference between the two. The letter of appointment of the concerned workman will show that he was not called upon to do the work of overhauling and maintenance as mentioned in the letter of appointment of Technical Assistant, but he was required to assist in overhauling and maintenance apart from regular work. Ex.W-9 is another letter of appointment issued to Shri M.M. Prabhu Shelkar as Junior Engineer and the terms and conditions are almost similar to that of the concerned workman. The workman concerned has filed Exhibits W-11 and 12 which are letters of appointments of Crane cum Dozer operator and Fitter respectively. It is submitted that even these two employees were also directed to perform their duties as directed by the Commander/Chief Engineer and it has been tried to be shown that even these employees also work under the Commander/Chief Engineer-in-Charge.

19. The workman concerned is a Electrical Engineer and prior to his appointment in the present company he was a lecturer in Electronics in the Government Polytechnic, Panaji. It is in evidence that in the month of September, 1977, the Engineers working in the Vessel Priyadarshini formed a Union

and got it registered and intimation to this effect was sent to the management by letter dated 6-9-1977 along with a list of office bearers of the said union. The letter runs as follows :—

“Allow us to bring to your kind notice that Supervisory/Clerical staff on loading vessel Priyadarshini have organised themselves and the organisation is registered with the proper authority.

We attach herewith a list of the names of office bearers and members.

Thanking you,”

20. From the list attached with this letter it will appear that all these persons except one are Engineers including the Chief Engineer who formed an Association and they designated themselves as supervisory staff and not as workman. The concerned workman was also an office bearer being the Treasurer. Further the concerned workman in his cross-examination has given the hierarchy of officers on the vessel in question in which the Junior Engineers have been named as Officers and not as workmen. The following is his deposition “By Engineers mean all categories of Engineers including Junior Engineers. The hierarchy of Officers working on the L.V. Priyadarshini is in the following order :—

1. Commander
2. Assistant Commander
3. Sr. Engineer
4. Assistant Engineer
5. Jr. Engineer.

21. From the evidence on record it will appear that 86 categories of workmen are employed on this vessel. Ex. E-13 is a Memorandum of settlement entered into by the management and the workmen represented by the Goa Dock Labour Union, Vasco da Gama and certain settlement were arrived at between the workmen and the management. Annexure ‘C’ of this settlement shows that there were five categories of workmen working on the vessel and they are (1) Crane cum Dozer Operators (2) Fitters, Electrician, Welder, Oilmen (3) Conveyor Operators (4) Helpers/Attendants/Khalasis and (5) Unskilled/Topas. Annexure ‘I’ will show that some incentive scheme was also given by the said settlement. This settlement was arrived at on 1-11-1977. This settlement also shows that the Engineers were not treated as workmen by the management or by any other Union. It is admitted by the concerned workman himself in his evidence that the Crane cum Dozer Operators, Machinery Maintenance Assistants and helpers work in three shifts. It is also in evidence that about 28 workmen work in one shift. It is also

admitted that the Senior Engineer or the Captain work in one shift only and the other two shifts are managed by the Junior Engineers, in which case the other subordinate staff is expected to work under these Engineers.

22. It is also admitted by the concerned workman in his evidence that a log book is maintained on board the vessel in which the record of temperature, pressure and level of oil in each engine is mentioned. It is also admitted that the entries in the log book are made by the Junior Engineers and that an Engineer’s Diary is also maintained in which the details are given.

23. In this connection certain entries in these registers are also relevant. Ex. E-1 and 2 are Engineers’ Diary maintained by the Engineers on the vessel. Entries in these diaries were made by the Engineers including the concerned workman in their respective shifts, for the purpose of guidance to the Engineers who came in the next shift. The entry dated 1-11-1977 on page 10 of Ex. E-2 is admittedly in the pen of the workman concerned. This runs as follows :—

“All the brake livers of No. three crane have been checked and attended to and brakes adjusted. Sea water cooling pump gland packings have been renewed. Bearing housing cap could not be secured for lack of proper bolts. Bhaiyas have cleaned the ore from the Starboard passage below the belt. Harbour generator run from 7 p.m. to 7 a.m.”

This shows that Bhaiyas cleaned the ore from the starboard passage below the belt. This clearly indicates that concerned workman or other junior engineers used to supervise the work of Bhaiyas. It is in evidence that the duties of Bhaiyas are to clean the ore from the starboard passage and the matter has to be reported. There is yet another entry at page 7 by the Chief Engineer. “Certain instructions have been given to the Junior Engineers working in their respective shifts. It shows that the Junior Engineers were to write down in the diary details of work carried out by each one of them so that next shift Engineer is kept well informed. It also says that log books are to be filled up and signed by the Engineers and they should see that all workers are given jobs and kept well engaged in their respective jobs.” Then there is another entry on page 19 of Ex. E-2 written by the Chief Engineer Shri Monterro. This is also an instruction given by him to all the Engineers and says that they should see that grab buckets and wires are greased as often as they can when the Crane is idle, and this must be done in their presence. This shows that Greasing of the machine were to be done in their presence. There is also a direction that the workmen are given some

work in the engine room and this should be checked by these engineers. These entries thus shows that the Engineers were to supervise the work of workmen i.e. Greaser etc. Another entry at page 29 dated 3-12-1977 in the same exhibit is in the pen of the concerned workman himself. This shows that he had supervised the work and found as mentioned in his aforesaid diary. It shows that Bhaiyas cleaned star-board side deck and completed their work. Other entries should show that he has supervised the work of other workmen as mentioned wherein he found on inspection. At pages 38 and 39 of the same documents there are other entries in the pen of the workman himself which also shows that his work was of supervisory character. At page 39 he has mentioned that I.M.E. has been working at No.2 crane's counter weight throughout the night. According to the evidence of the workman WW-1 I.M.E. means International Marine Enterprises. This also indicates that outside agency also worked under his supervision. Then there are entries in Ex. E-1 also which proves the same fact. Entry dated 19-4-1977 at page 78 is in the pen of Monderro in which he directed the engineers to see that all volcanising is kept in the basin store and not in their cabins and he also directed that the conveyor operators should also be informed accordingly. There is one important entry at page 91 of Ex. E-1 which is a direction to all the Engineers and it runs as follows :—

“Please see that you complete the log book and your daily work done before you go home. Also see that jobs given by you are carried out under your supervision and not just done because it has to be done. Please see that you observe the above instructions without fail.”

The concerned workman or other engineers were to get the work done by the junior staff viz. Fitters, Crane Operators, Electricians etc. under their supervision. The above fact may also be proved by the entries at page Nos. 146 and 147 of this document. Entry at pages 20 and 21 of Ex. E-1 is in the pen of the Chief Engineer which directed the engineers to see that all shift engine staff is not allowed to go without completing the log book and also these things have to be watched by the Engineers if not things will not get moving. This fact also conclusively prove that the engineers were to supervise the work of other staff working on the vessel. At page 80 there are certain instructions given by the Chief Engineer which includes that the engineers are to see that all ship workers carry out their duty and are always on their place of duty and if not they should be questioned so that they realise that they are being watched. Entry at page 105 of Ex. E-1 shows the names of persons who were present during the night shift on 29-7-1977. This clearly indicates that the engineers were to mark presence or absence of other staff also. There are other entries in the Engineer's diary Ex. E1 and 2 which clearly shows that junior engineers had to do supervisory work and they used to supervise the work of

Fitters, Bhaiyas, Wiremen, Electricians etc. who were working on the vessel. It is in evidence of Shri Monderro who was the Commander of the Vessel that Engineers' Diary was never sent to him for his perusal which shows that the Engineers were to supervise the work of other staff though they were ultimately responsible to the Chief Engineer in charge/Commander.

24. Exhibits E-3 and 4 are log books for the periods 31-10-1976 to 27-12-1976 and from 23-10-1977 to 20-12-77 respectively. Entries in the log book Ex. E3 dated 29-11-1976 from time 8 to 12 and 12 to 4 have been signed by the concerned workman as 'watch keeping' engineer. This fact has been admitted by him in his evidence also. The other entries on that page have been signed by other engineers who work as 'watch keeping' engineers. Similar signatures appear on other pages of this log book as also in Ex. E-4 and they are in the pen of the concerned workman himself. They also indicate that the engineers were doing the supervisory duty and not manual work.

25. Then there are gate passes also which are signed by the concerned workman or other engineers as supervisory staff and they are Exhibits E5 & 6 Exhibit E-7 is Employees Exit Pass which is also signed by Engineers when they remained on duty. The fact that the Gate passes were signed by the Engineers including the Concerned workman is not denied but the concerned workman says in his evidence that he did it on the instructions of the Commander/Chief Engineer in charge and it was incidental. But the fact remains that the Gate Passes used to be signed regularly by the Engineers including the concerned workman when they remained on duty and that the Commander/Engineer Chief Engineer in charge came on duty in one shift only. It is also admitted by the concerned workman in his evidence that he occasionally signed attendance cards of the workmen. This also shows that his supervisory character of duty. Exhibits 9 and 10 prove this fact. The concerned workman was shown about 57 attendance cards which bear the signature of concerned workman or the signatures of other engineers. This also shows that the Engineers used to distribute work to the workmen working under them and the work was carried out by them under the supervision and control of these engineers. The attendance cards will also show that overtime work done by the workman as also the time of arrival and departure and all bear the signature of concerned workman or other engineers.

26. The workman has examined in all four witnesses including himself in support of his contention that he is a workman but the oral evidence has not

got any importance in the face of the documents on record. However, the oral evidence also to a great extent support the case of the management.

27. WW-1 is the workman himself. Naturally he is an interested witness. From his evidence it will appear that he was required to open or fix the screws or valves and to do manual work along with fitters. Admittedly there were several categories of workmen on board the ship and it is not expected that the engineers should do the manual work, himself. This evidence is given only to support his case. In cross-examination he has admitted that there were Crane Operators, Dozer Operators Helpers, Biyas etc. who worked in the shift in which he was working but he shows his ignorance about the number of workmen working in each shift. This shows that he wants to conceal the facts. Further he has tried to show that he used to work along with other categories of workmen and tried to show that he never supervised their work. But the work he claims to be doing is an improbable one. If all the works are attended to by the concerned workman then there was no necessity of posting so many junior staff under him. On cross-examination this witness has admitted that fitters do the work of opening of valves on the instructions from the engineers. It is admitted by him that fitters work as per his direction on technical terms. The concerned workman is a technical man and in some case the fitters and other workmen took his direction. It may be on some occasions the concerned workmen himself might be doing some manual work, but it does not go to prove that those are his main functions. The documents and circumstances of case show that his main duty was of supervisory character.

28. WW-2 is Shri H.J. Mallya examined on behalf of the workman. He was in the service of company till 7-12-1977. He tried to support the case of the concerned workman, but it is admitted by the witness that Crane Operators, Conveyor Operators, Fitters, Helpers, Bhaiyas Line Handlers etc. work on the vessel in question. He has resigned from the service. The following question was put to him during cross-examination :

“Question : Are you in a position to deny that 28 persons belonging to various designation work per shift ?

Answer : I will not be able to say.”

This clearly indicates that the witness tried to conceal this fact. According to the management 28 persons of different categories were working in each shift. This witness was granted certificate Ex.E-12 when he left the service. Ex. E-12 would show that this witness was in officer's grade as Junior Engineer. The certi-

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ificate was taken by the witness himself and it shows that that he was working as an Officer. This also supports the management's case.

29. The next witness is WW-3 Shri Prakash Dalal, working as Crane Operator. He says that the Commander allots the Personnel for each shift. It may be true that ultimately the work used to be supervised by the Engineers working in each shift. It is admitted by him that attendance cards are signed by the Engineers in the absence of Commander. He cannot say who supervises the work on the vessel which shows that he is trying to conceal the truth. The following question and answer in his depositions is very relevant, which runs as follows :—

“Question :—I put it to you that your work and the work of other categories is supervised by the engineers. What do you say ?”

Witness does not answer the question, though repeatedly asked to do so.

This clearly indicates that the witness avoided this answer.

30. The last witness is Suresh R. Nayak working as Fitter. It was contended on behalf of the concerned workman that the fitters and other staff working are unskilled workmen and the manual work was done by the engineers themselves. But this witness has admitted himself that he is a skilled workman. He admitted in cross-examination that in the absence of Chief Engineer the engineers themselves tell him what work they should do. Further he stated that whatever work the Engineers asked them to do they carried it out. Further he stated that in accordance with the instructions given by the Engineers the work is done by the fitters under the supervision of the Engineers. He further admitted that if the Chief Engineer is not there they are directed by the Engineers. Further he stated that the Engineers sign the attendance card and see to it that they attend to the work. To a question he answered that the Engineers sign the Attendance card in their capacity as Supervisor.

31. The oral evidence thus to a great extent support the contention of the management that the concerned workman was doing mainly the work of supervisory character and not manual work. The management has also examined the ex-commander of the ship and his evidence support the case of the management. There is nothing in his cross-examination to discredit him.

32. From the above evidence and circumstances it is clear that the Commander or Chief Engineer attended one shift out of three shifts and the other two shifts were attended by the concerned workman or his

fellow engineers who were supervising the work done by other staff on the vessel i.e. Crane Operators, Fitters, Electricians, Biyas etc. They were also required to see that the workman were attending to their work and do not neglect their duties. They also sign the log book, attendance cards, Gate pass etc. and all these works are of supervisory nature and not manual work. It is just possible that in some cases the concerned workman might have to do some manual work, but the manual work was not the main function and his main function was to supervise the work of 28 staff working under him in each shift.

33. Accordingly, it is held that the concerned employee is not a workman as defined under Section 2(s) of the Industrial Disputes Act as his main function was of supervisory character and he was required to

do supervisory work and was drawing wages exceeding Rs. 500/- per mensem.

34. This issue is thus decided in favour of the management.

35. For the aforesaid reasons I hold that the employee Shri Carlos Bruto da Costa is not a workman within the meaning of Section 2(s) of the Industrial Disputes Act.

36. From the above finding it follows that the reference is not maintainable.

This reference is accordingly rejected.

Sd/-

JITENDARA NARAYAN SINGH,

Presiding Officer

[No. L-36012/3/78-D-IV.(A)]

NAND LAL:, Desk Officer